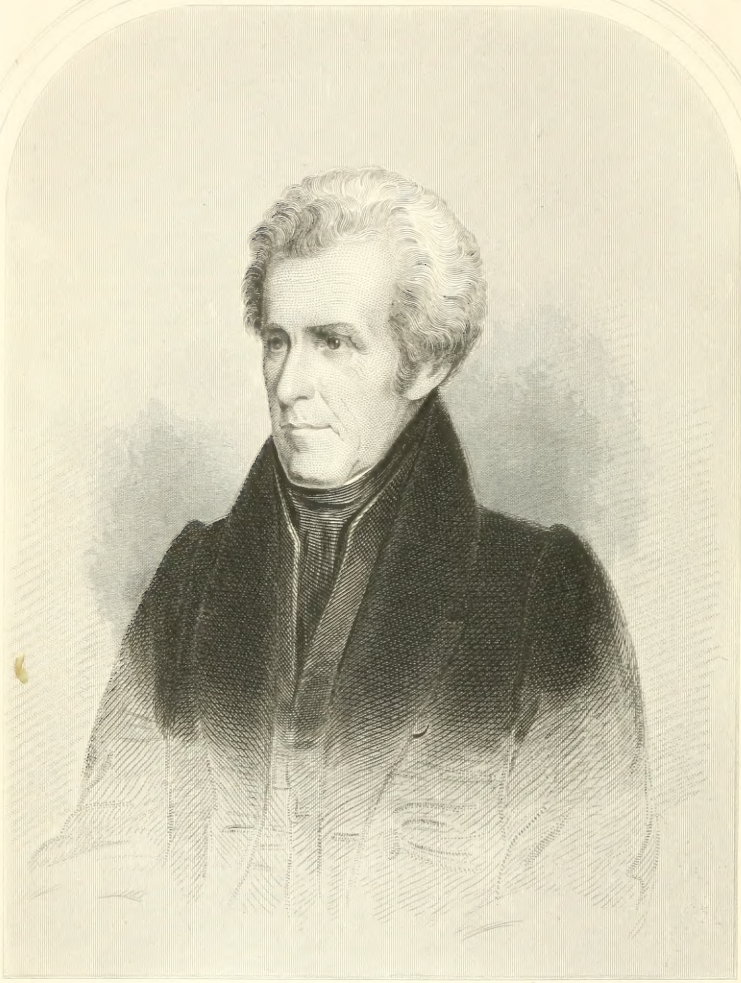
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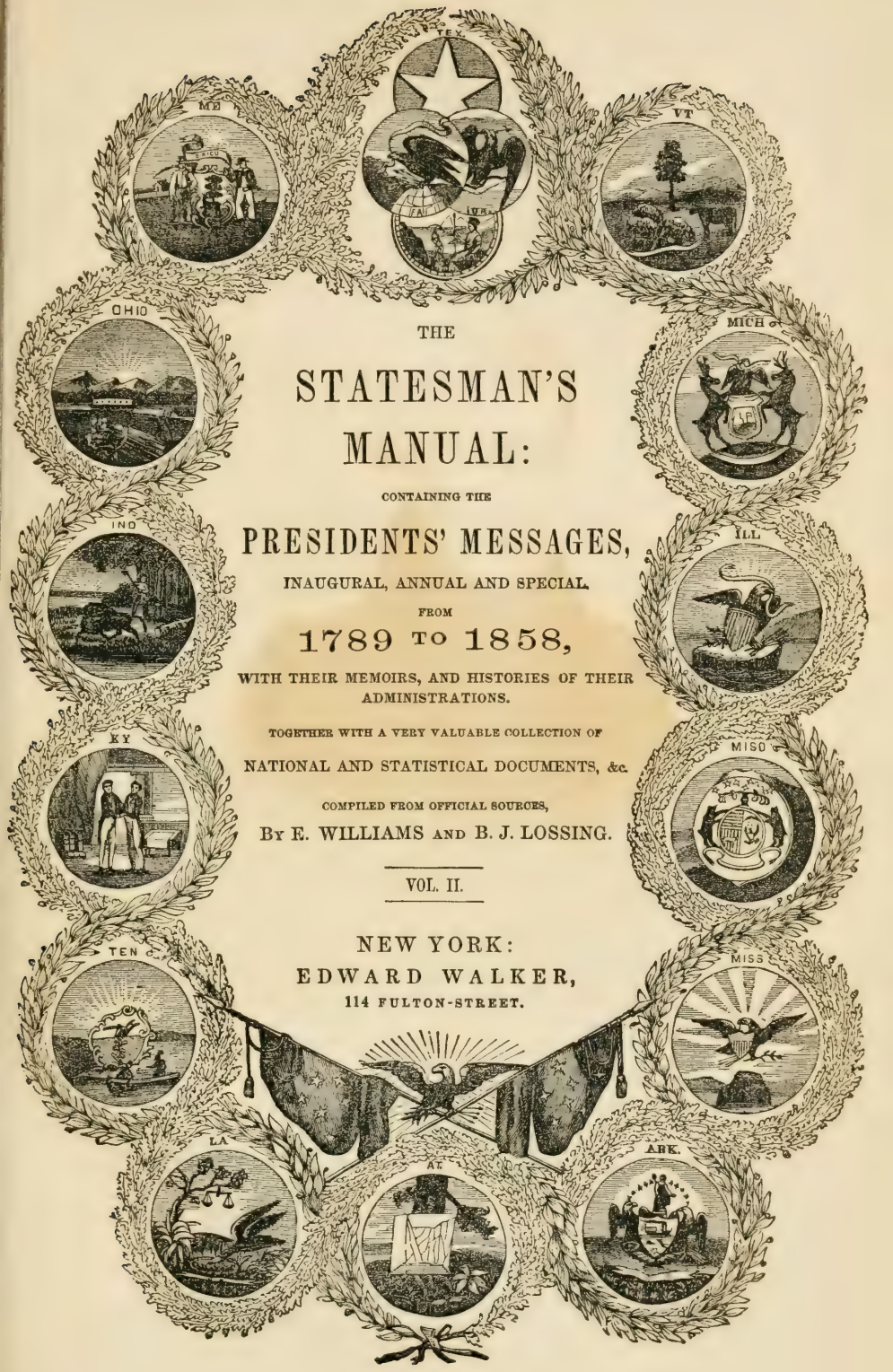
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Andrew Jackson



THE

STATESMAN'S MANUAL:

CONTAINING THE

PRESIDENTS' MESSAGES,

INAUGURAL, ANNUAL AND SPECIAL,

FROM

1789 TO 1858,

WITH THEIR MEMOIRS, AND HISTORIES OF THEIR ADMINISTRATIONS.

TOGETHER WITH A VERY VALUABLE COLLECTION OF

NATIONAL AND STATISTICAL DOCUMENTS, &c.

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BIOGRAPHICAL SKETCH

OF

ANDREW JACKSON.

The ancestors of Andrew Jackson, the seventh president of the United States, were among the emigrants from Scotland to the province of Ulster, in Ireland, at a period when it was the policy of the English government to promote the colonization of settlers from England and Scotland on the confiscated lands of the Irish. The family of Jackson was therefore of Scottish origin; and they were attached to the presbyterian church. Hugh Jackson, the grandfather of the subject of the present sketch, was a linen draper, near Carrickfergus, in Ireland. His four sons were respectable farmers; of whom Andrew, the youngest, married Elizabeth Hutchinson, and had in Ireland two sons, Hugh and Robert. The unfortunate condition of his native country induced him to dispose of his farm, and in 1765, with his wife and children, to emigrate to America, and settle in South Carolina. Samuel Jackson, a son of another of the brothers, at a subsequent period, emigrated to Pennsylvania, and became a citizen of Philadelphia.

Three of the neighbors of Andrew Jackson, named Crawford, emigrated to America with him, and the four emigrants purchased lands and settled in the Waxhaw settlement, South Carolina, near the line of North Carolina.

On this plantation of his father, at Waxhaw settlement, Andrew Jackson, the subject of this memoir, was born, on the 15th of March, 1767. His father died about the time of his birth, leaving his farm to his widow, and his name to his infant son.

Left with three young sons, and moderate means, Mrs. Jackson gave her two oldest a common school education, while the youngest she desired to see prepared for the ministry, and, at a proper age, placed him under the tuition of Mr. Humphries, principal of the Waxhaw academy, where he made considerable progress in his studies, including latin and

Greek, until interrupted by the events of the war of the revolution. Although but about eight years of age, when the first conflicts between the British and Americans took place, Andrew Jackson soon became accustomed to the stirring scenes around him, of the friends and neighbors of his mother training themselves for battle, and preparing to defend their homes from the attacks and ravages of the invading foe.

The British commanding officers in America having resolved to carry the war into the southern states; Savannah, in Georgia, was taken in 1778, and South Carolina invaded in the spring of 1779. The militia were summoned to the field to repel them, and Hugh Jackson, the oldest brother of Andrew, lost his life in the fatigues of the service. A battle took place at the Waxhaw settlement, between the British and Americans, in May, 1780, when 113 Americans were killed, and 150 wounded. Considerable ammunition and stores fell into the hands of the enemy. In the Waxhaw meetinghouse, where the wounded were carried, Andrew Jackson, then thirteen years of age, first saw the horrors of war. The mangled bodies of his countrymen confirmed the impression made upon his youthful mind by the tales of English oppression and cruelty which he had so often heard from his mother and kindred, while relating scenes of tyranny in Ireland, from which his father had fled to find a retreat in America.*

In the summer of 1780, Andrew Jackson, being then but little more than thirteen years of age, in company with his brother Robert, joined a corps of volunteers, under the command of Colonel Davie, to attempt the defence of that part of the country against a body of British troops and tories who had penetrated into the interior of the Carolinas. Davie's corps was attached to General Sumter's brigade, and an action took place on the 6th of August, 1780, between the American troops and the British and tories, at a place called Hanging Rock. The corps of Davie, in which the young Jacksons fought, particularly distinguished itself, and suffered heavy loss.

Not being regularly attached to any military corps, on account of their youth, Robert and Andrew Jackson did not participate in many of the numerous affairs in which the Americans were engaged with the British during their long campaign in the Carolinas. They retired with their mother into North Carolina for some time, leaving their home on the approach of the British army in that quarter. In 1781, both of the boys were taken prisoners by a party of dragoons. While a prisoner, Andrew Jackson was ordered by a British officer to clean his muddy boots, which the young soldier refusing, he received a wound with a sword from the officer, and the wound left a scar which Jackson carried with him to his grave. His brother Robert, for a similar offence, received a wound on his head, from the effects of which he never recovered. The brothers were retained some time in

* For the facts in the first part of this memoir, we are indebted principally to Kendall's Life of Jackson

captivity, at Camden, where their sufferings were great from their wounds, and the small-pox, then prevalent among the prisoners. Being finally released, by exchange, the Jacksons, accompanied by their mother, returned home to the Waxhaw settlement, where Robert died in two days afterward. By kind nursing and the care of a physician, Andrew finally recovered from a dangerous sickness. His mother died soon after this, from the effects of a fever taken on board the prison-ship at Charleston, whither she went on an adventure of kindness and mercy, for the relief of some of her relatives and friends confined on board of that vessel. Thus every member of the Jackson family which came from Ireland to America to escape British oppression, perished through the effects of the same oppression in America. The only remnant of the family was an American-born son, who, through many perils, lived to be the avenger of his race.

At the close of the war of the revolution, Andrew Jackson was left alone in the world, his own master, with some little property, but without the benefit of parental counsel or restraint. At first associating with idle young men, he imbibed loose and extravagant habits, which he suddenly determined to reform. Changing his course of life, he commenced the study of law, at Salisbury, North Carolina, with Spruce M'Cay, Esq., then an eminent counsellor, and subsequently a judge of distinction. This was in the winter of 1784, when he was in his eighteenth year. He finished his studies under Colonel Stokes, and in a little more than two years he was licensed to practise law. Soon after this, without solicitation on his part, he received from the governor of North Carolina the appointment of solicitor for the western district of that state, embracing the present state of Tennessee.

At the age of twenty-one, in 1788, Andrew Jackson, accompanied by Judge McNairy, crossed the mountains to take up his abode in Tennessee, then the western district of North Carolina. For several months he resided at Jonesborough, then the principal seat of justice in that district. In 1789, he first visited the infant settlements on the Cumberland river, near the present site of Nashville. The settlers had at this time many difficulties with the Indians, who were then numerous and hostile to the whites. During this perilous period, Jackson performed twenty-two journeys across the wilderness of two hundred miles, then intervening between Jonesborough and the Cumberland settlements. He was frequently under arms, with other settlers, to protect parties of emigrants from the attacks of the Indians. He was also engaged in several expeditions against the Indians, in one of which, in 1794, the native town of Nickajack, near the Tennessee river, was destroyed. By his gallantry in these affairs, Jackson became well known to the Indians, who gave him the names of "*Sharp Knife*" and "*Pointed Arrow*." He gained equally their respect and that of his companions, the hardy settlers of Tennessee.

Having determined to make the neighborhood of Nashville his permanent home, Jackson, with his friend Judge Overton, became boarders in the family of Mrs. Donelson, the widow of Colonel John Donelson, an emigrant from Virginia. Mrs. Rachel Robards, her daughter, who afterward became the wife of Jackson, was then living with her mother. This lady was celebrated for her beauty, affability, and other attractions. Her husband, Captain Robards, was a man of dissolute habits and jealous disposition. A separation took place, and Robards applied to the legislature of Virginia for a divorce; soon after, intelligence was received that his petition had been granted. Mrs. Robards was then at Natchez, on the Mississippi, and Jackson, considering that she was free to form a new connexion, in the summer of 1791 went down to Natchez, paid her his addresses, and was accepted. In the fall they were married, and returned to the Cumberland, where they were cordially received by their mutual friends.

In December, 1793, Jackson learned, for the first time, that the act of the Virginia legislature did not grant a divorce, but only authorized a suit for divorce in a Kentucky court, which had just been brought to a successful issue. Surprised and mortified at this information, on his return to Nashville, in January, 1794, he took out a license, and was again regularly married. The conduct of Jackson in this affair was considered, by those familiar with the circumstances, correct and honorable, and perfectly consistent with true morality. His friend and confidential associate remarks: "In his singularly delicate sense of honor, and in what I thought his chivalrous conception of the female sex, it occurred to me that he was distinguished from every other person with whom I was acquainted."

Jackson, after his marriage, applied himself with renewed diligence to his profession in the practice of the law. Circumstances connected with his professional business required the exercise of his firmness of character and courage, in no ordinary degree. There had been a combination of debtors against him, as he was employed by creditors for the collection of claims, which he succeeded in breaking down, but not without making bitter enemies. Bullies were stimulated to attack and insult him, and thus brought him into several personal contests, which generally ended in a severe punishment of the aggressors, by the bold and fearless Jackson.

In 1795, the people of Tennessee elected delegates to a convention for the formation of a state constitution, preparatory to admission into the Union. Of that convention Jackson was chosen a member by his neighbors, and took an active part in the formation of the constitution. The convention sat at Knoxville from the 11th of January to the 6th of February, 1796, and Tennessee was admitted into the Union as a state, by act of Congress, on the 1st of June, the same year. Jackson was chosen the first representative from the new state in Congress, and took his seat in the house on the 5th of December, 1796. His term expired on the 3d

of March following, and he was prevented from continuing longer in that body, being elected by the legislature of Tennessee to the senate of the United States, where he took his seat on the 22d of November, 1797, being then only a few months over thirty years of age. He appears not to have been ambitious or anxious for political distinction at that time, for, after serving one session, he resigned his seat in the senate. During his short career in Congress, it is believed that he made no speeches; but in his votes he acted with the democratic party, opposing the administration of Washington at its close, and subsequently that of John Adams. While a member of the house, he was one of a minority of twelve democrats, among whom were Edward Livingston, Nathaniel Macon, and William B. Giles, who voted against an answer to Washington's last speech to Congress; because that answer expressly approved of the measures of Washington's administration, some of which were condemned by the democratic party. The state gave her first vote for president to Mr. Jefferson in 1796, which vote she repeated in 1800. In the political revolution which elevated Mr. Jefferson to the presidency, Jackson participated, and acted with the friends of Mr. Jefferson; but little effort was required, however, to secure the vote for the democratic candidates, in a state so uniformly devoted to that party as Tennessee.

At this period, the popularity of Jackson in Tennessee was equal, if it did not exceed that of any other citizen of the state. Soon after his resignation as senator, the legislature again honored him by conferring upon him the appointment of judge of the supreme court of the state. This office he accepted, and for a time performed the duties of the station; but, owing to ill health, he determined to resign and retire to private life. This intention he was induced to defer for the present, in consequence of remonstrances from members of the legislature and others, who entreated him to remain upon the bench.

The circumstances in which Jackson was placed, and his course in several public affairs, occasioned a misunderstanding between him and other leading men in Tennessee. Among those who became his enemies, were Judge McNairy and Governor Sevier. A personal quarrel with the latter occasioned a challenge from Judge Jackson, which was accepted by the governor, and the parties, without any formal arrangement, met on horseback, each armed with a brace of pistols, the governor having also a sword, while Jackson had a cane, which he carried as a spear. Putting spurs to his horse, he charged upon his antagonist in a bold and unexpected manner, and the governor dismounted to avoid the shock. The interference of the governor's attendants prevented any serious mischief, and by the intercession of mutual friends further hostile intentions were abandoned. The affair, however, occasioned sundry angry publications by the friends of the respective parties, which show the peculiar state of society

then existing in the frontier settlements, where men holding the highest public stations were engaged in personal rencounters.

Previous to his affair with Governor Sevier, Jackson was appointed major-general of the militia of the state, viz., in 1802. His competitor was John Sevier, who was then also a candidate for governor. The votes of the officers by whom the appointment of general was made being equally divided, the decision devolved on Governor Roane, who gave it in favor of Jackson.

On the purchase of Louisiana from France, in 1803, by the United States, there were apprehensions of a difficulty with Spain, when the Americans should take possession of the territory. The Tennessee militia were called upon for aid in case of need, and by request of the secretary of war, General Jackson caused boats to be prepared to transport the troops to New Orleans ; but neither the boats, nor his own proffered services, were required, as the Spaniards made no resistance to the peaceful transfer and occupation of Louisiana.

In 1804, General Jackson, having served six years on the bench, resigned his office of judge of the supreme court. His biographer and friend, Mr. Kendall, remarks, that he "was not made for what is usually called a first-rate lawyer. His mode of reasoning would not permit him to seek for justice through a labyrinth of technicalities and special pleading. Yet few, if any, exceeded him in seizing on the strong points of a case, and with vigor and clearness applying to them the great principles of law. As a lawyer, in criminal prosecutions, the case of his client always became his own, and he was considered one of the most eloquent and effective among his contemporaries. As a judge, his opinions were always clear, short, and to the point, aiming at justice, without the affectation of eloquence, or of superior learning. His retirement from the bench gratified only those who feared his justice, while it was deeply regretted by a large majority of the community."

After his resignation as judge, General Jackson found that retirement which he had long desired. Having acquired a moderate fortune, he took up his residence on his plantation on the banks of the Cumberland, near Nashville, and not far from that which he subsequently occupied under the name of the Hermitage. His time was now devoted to the pursuits of agriculture, in one of the finest districts of country in the United States, and his house was always the abode of hospitality, where his numerous friends and acquaintance were received by him with a cordial welcome.

In addition to other pursuits on his plantation, much of General Jackson's attention was given to the raising of fine horses, from the most improved breeds of the southern states. He consequently became a frequenter of race-courses at the west, to bring out his favorite horses, and occasionally lost and won in the sports of the turf. These affairs led to one of the most unfortunate events of his life. In consequence of a quarrel,

which ended in blows, between Jackson and Charles Dickinson, on the subject of a bet made at a horse-race, followed by an abusive publication on the part of Dickinson, charging Jackson with cowardice; the general sent Dickinson a challenge. The duel took place at Harrison's mills, on Red river, in Kentucky, on the 30th of May, 1806. The word being given, Dickinson fired first, his ball taking effect in Jackson's breast, and shattering two of his ribs; the next instant Jackson fired, although thus severely wounded, and Dickinson fell; he was taken to a neighboring house, and survived but a few hours. This melancholy affair caused much excitement in Tennessee at the time, and various publications on the subject appeared from the friends of the respective parties, and General Jackson himself; but the certificates of the seconds declared that the duel had been fairly conducted, according to the previous understanding of the parties. The firmness of nerve displayed by General Jackson in this duel was remarkable, considering that he was wounded before discharging his pistol. Some weeks transpired before he recovered from the effects of his wounds.

During the short period while General Jackson was a member of Congress, he had formed the acquaintance of Colonel Aaron Burr, who, in 1805, visited the western country, and spent several days at the residence of Jackson. Burr, in his journal, describes the general as "once a lawyer, after a judge, now a planter; a man of intelligence; and one of those prompt, frank, ardent souls whom I love to meet." The general treated him with great kindness and hospitality, and understanding that his object was the settlement of a tract of land in Louisiana, and the making arrangements for the invasion of Mexico, in case of a war with Spain, he rendered him such assistance as he could afford, and procured for him a boat to descend the Cumberland river.

In 1806, Colonel Burr again returned to the western country, and commenced preparations for an expedition. General Jackson offered to accompany him to Mexico with a body of troops, in case of a war with Spain; but declined holding communication with him if he had any hostile intentions against the United States. Burr assured him, in the most positive terms, that he had no such hostile design; but Jackson having his suspicions, the previous intimacy between him and Burr ceased. He afterward received orders from the war department to call out the military, if necessary, to suppress Burr's projects, and arrest Burr himself. Twelve military companies of the militia under his command, were ordered out by General Jackson, but as Burr had descended the Cumberland and Mississippi rivers, with only a few unarmed men, the general dismissed the troops, and reported his proceedings to the government.

After Burr was arrested and taken to Richmond, Virginia, for trial, on a charge of treason against the United States, General Jackson was summoned as a witness, but was not examined. He knew nothing tending to

criminate the accused, and his evidence, if given, would have been in favor of Burr. It may be here remarked, that Colonel Burr's respect for General Jackson continued through life; and he always spoke of him as a man of integrity and honor. It is believed that he was the first to name him (though this was then unknown to the general himself), as early as 1815, in his private correspondence, as a suitable candidate for the presidency.

General Jackson continued in private life, attending to his agricultural employments, until the war of 1812 with Great Britain. Having become interested in a mercantile establishment in Nashville, the management of which he intrusted to his partner in that business, he became seriously involved in the debts of the concern, which he was compelled to close; and, for the payment of his debts, sold his residence and plantation. He then retired into a log-cabin, near the place since called "the Hermitage," and commenced the world anew. By a prudent and economical management of his affairs, he soon retrieved his pecuniary condition, and again became possessed of the means of comfort and enjoyment.

But a period approached when the pleasures and endearments of home were to be abandoned, for the duties of more active life. War with Great Britain was declared by the Congress of the United States on the 12th of June, 1812. General Jackson, ever devoted to the interests of his country, from the moment of the declaration knew no wish so strong as that of entering into her service against a power which, independent of public considerations, he had many private reasons for disliking. In her he could trace sufferings and injuries received, and the efficient cause why, in early life, he had been left forlorn and wretched, without a single relation in the world. His proud and inflexible mind, however, could not bend to solicit an appointment in the army which was about to be raised. He accordingly remained wholly unknown, until, at the head of the militia employed against the Creek Indians, his constant vigilance, and the splendor of his victories, apprized the general government of those great military talents which he so eminently possessed and conspicuously displayed, when opportunities for exerting them were afforded.

The acts of Congress on the 6th of February and July, 1812, afforded the means of bringing into view a display of those powers which, being unknown, unfortunately might have slumbered in inaction. Under the authority of these acts, authorizing the president to accept the services of fifty thousand volunteers, he addressed the citizens of his division, and twenty-five hundred flocked to his standard. A tender of them having been made, and the offer accepted, in November he received orders to place himself at their head and to descend the Mississippi, for the defence of the lower country, which was then supposed to be in danger. Accordingly, on the 10th of December, 1812, those troops rendezvoused at Nashville, prepared to advance to their place of destination; and although the weather was then excessively severe, and the ground covered

with snow, no troops could have displayed greater firmness. The general was everywhere with them, inspiring them with the ardor that animated his own bosom.*

Having procured supplies, and made the necessary arrangements for an active campaign, they proceeded, the 7th of January, 1813, on their journey, and descending the Ohio and Mississippi, through cold and ice, arrived and halted at Natchez. Here Jackson had been instructed to remain, until he should receive further orders. Having chosen a healthy site for the encampment of his troops, he devoted his time to training and preparing them for active service. The clouds of war, however, in that quarter having blown over, an order was received from the secretary of war, dated the fifth of January, directing him, on receipt thereof, to dismiss those under his command from service, and to take measures for delivering over every article of public property in his possession to General Wilkinson. When this order reached his camp, there were one hundred and fifty on the sick report, and almost the whole of them destitute of the means of defraying the expenses of their return. The consequence of a strict compliance with the secretary's order, would have been, that many of the sick must have perished, while most of the others, from their destitute condition, would, of necessity, have been compelled to enlist in the regular army, under General Wilkinson.†

General Jackson could not think of sacrificing or injuring an army that had shown such devotedness to their country; and he determined to disregard the order, and march them again to their homes in Tennessee, where they had been embodied. This determination met with the disapprobation of his field-officers and of General Wilkinson; but persisting in his design, General Jackson marched the whole of his division to the section of country whence they had been drawn, and dismissed them from service, as he had been instructed. The sick were transported in wagons, at the same time. It was at a time of the year when the roads were bad, and the swamps, lying in their passage, deep and full; yet the general placed before his troops an example of patience under hardships that lulled to silence all complaints, and won to him, still stronger than before, the esteem and respect of every one. On arriving at Nashville, he communicated to the president of the United States the course he had pursued, and the reasons that had induced it. His conduct was in the end approved, and the expenses incurred directed to be paid by the government.

The volunteers who had descended the river having been discharged, early in May, 1813, there was little expectation that they would again be called for. Tennessee was too remotely situated in the interior, to expect their services would be required for the defence of the state; and thus far, the British had discovered no serious intention of waging operations against any part of Louisiana. Their repose, however, was not of long

* Eaton's Life of Jackson. † Ibid.

duration. The Creek Indians, inhabiting the country lying between the Chattahoochee and Tombigbee rivers, and extending from the Tennessee river to the Florida line, had lately manifested strong symptoms of hostility toward the United States. This disposition was greatly strengthened through means used by the northern Indians, who were then making preparations for a war against the United States, and who wished to engage the southern tribes in the same enterprise.

An artful impostor had, about this time, sprung up among the Shawnees, a northern tribe, who, by passing for a prophet, had acquired a most astonishing influence among his own and the neighboring Indian tribes. He succeeded in a short time in kindling a phrensy and rage against the Anglo-Americans, which soon after burst forth in acts of destructive violence. His brother, Tecumseh, who became so famous during the war, and who was killed subsequently at the battle of the Thames, in Canada, was despatched to the southern tribes, to excite in them the same temper. To the Creeks, then the most numerous and powerful of the southern Indians, he directed his principal attention, and in the spring of 1812 he had repeated conferences with the chiefs of that nation. Deriving his powers from his brother, the prophet, whose extraordinary commission and endowments were, previous to this, well understood by the tribes in the south, his authority was regarded with the highest veneration. To afford additional weight to his councils, Tecumseh gave assurances of aid and support from Great Britain; and having made other arrangements to carry out his plans, he returned to his own tribe.

From this time, a regular communication was kept up between the Creeks and the northern tribes; while depredations were committed on the frontier settlers by parties of the allied Indians. In the summer of 1812, several families were murdered near the mouth of the Ohio, and soon afterward similar outrages were committed in Tennessee and Georgia. These acts were not sanctioned by the chiefs of the Creek nation, for, on application to them by the general government, the offenders were punished with death. No sooner was this done, than the spirit of the greater part of the nation suddenly kindled into civil war.

They first attacked their own countrymen who were friendly to the United States, and compelled them to retire toward the white settlements for protection. After this, they collected a supply of ammunition from the Spaniards at Pensacola, and, on the 30th of August, 1813, commenced an assault on Fort Mimms, in the Mississippi territory, which they succeeded in carrying, and put to death nearly three hundred persons, including women and children, with the most savage barbarity. Only seventeen of the whole number in the fort escaped, to bring intelligence of the catastrophe.

This monstrous and unprovoked outrage was no sooner known in Tennessee, than the whole state was thrown into a ferment, and immediate

measures were taken to inflict exemplary punishment on the hostile Indians. The legislature, by the advice of numerous citizens, among whom were the governor and General Jackson, authorized the executive to call into the field 3,500 men, to be marched against the Indians The troops were placed under the command of General Jackson, notwithstanding he was at the time seriously indisposed, from the effects of a fractured arm, owing to a wound received by him from a pistol-shot, in a fight with Colonel Thomas H. Benton, at a public house in Nashville.

The army under General Jackson marched into the Indian country in October, 1813. Crossing the Tennessee river, and learning that a large body of the enemy had posted themselves at Tallushatchee, on the river Coosa; General Coffee was detached with nine hundred men to attack and disperse them. This was effected, with a small loss on the part of the Tennessee troops, while the Indians lost 186 killed, among whom were unfortunately, and through accident, a few women and children. Eighty-four Indian women and children were taken prisoners, and treated with the utmost humanity.

Another battle with over a thousand of the Creeks, took place shortly after, at Talladega, thirty miles below Tallushatchee; the Tennessee troops being commanded by General Jackson in person; when 300 Indians were left dead on the field, and about as many more slain in their flight.

This campaign was protracted much longer than would otherwise have been the case, in consequence of the want of supplies of provisions for the army, which caused large numbers of the troops to return to their homes. Having at length obtained supplies, and being joined by more troops, General Jackson advanced still further into the enemy's country. Several battles took place with the Indians, the most sanguinary of which was that of Tohopeka or the Horseshoe, at the bend of the Tallapoosa river. On that occasion, 557 warriors, of 1,000 in the engagement, were found dead on the field, besides many others who were killed and thrown into the river, while the battle raged, or shot in attempting to escape by swimming. Over 300 prisoners were taken, all, but three or four, women and children. In this and other battles, the whites were assisted by a considerable body of friendly Creek and Cherokee Indians, who engaged in pursuing and destroying their fugitive countrymen with the most unrelenting rigor; "a circumstance," says Eaton, in his life of Jackson, "which the patriot must ever view with abhorrence; and although, from necessity or policy, he may be compelled to avail himself of the advantages afforded by such a circumstance, he can never be induced either to approve or justify it."

The battle of the Horsehoe gave a deathblow to the hopes of the Indians; nor did they venture afterward to make a stand. The principal chiefs came in, made their submission to General Jackson, and sued for peace; the campaign was ended, and the troops were marched back to Tennessee and discharged.

In May, 1814, General Jackson received the appointment of major-general in the army of the United States, on the resignation of General Harrison. Previous to this appointment, a commission as brigadier and brevet major-general had been forwarded to General Jackson, but his commission for the higher office being received the day after the notification of the other, he had not sent his answer to the war department, and the appointment of major-general was accepted.

The contest with the Indians being ended, the first and principal object of the government was, to enter into some definite arrangement which should deprive of success any effort that might thereafter be made, by other powers, to enlist those savages in their wars. None was so well calculated to answer this end, as that of restricting their limits, so as to cut off their communication with British and Spanish agents, in East and West Florida.

No treaty of friendship or boundary had yet been entered into by the government with the Indians; they remained a conquered people, and within the limits, and subject to the regulations and restrictions which had been prescribed in March, 1814, by General Jackson, when he retired from the country. He was now, by the government, called upon to act in a new and different character, and to negotiate the terms upon which an amicable understanding should be restored between the United States and these conquered Indians. Colonel Hawkins, who for a considerable time past had been the agent to the Creek nation, was also associated in the mission.

On the 10th of July, 1814, General Jackson, with a small retinue, reached the Alabama; and on the 10th of August succeeded in procuring the execution of a treaty, in which the Indians pledged themselves no more to listen to foreign emissaries—to hold no communication with British or Spanish garrisons; guarantied to the United States the right of erecting military posts in their country, and a free navigation of all their waters. They stipulated also, that they would suffer no agent or trader to pass among them, or hold any kind of commerce or intercourse with the nation, unless specially deriving his authority from the president of the United States.*

The treaty also settled the boundary and defined the extent of territory secured to the Creeks, and that which they were required to surrender. Sufficient territory was acquired on the south by the United States, to give security to the Mobile settlements, and to the western borders of Georgia, effectually cutting off the communication of the Creeks with the Chickasaws and Choctaws, and separating them from the Seminole tribes and other unfriendly Indians in Florida.

The retreat of the savages in Florida had been always looked upon as a place whence the United States might apprehend serious difficulties to

* Eaton.

arise. General Jackson entertained the belief that the British, through this channel, with the aid of the Spanish governor, had protected the Indians, and supplied them with arms and ammunition. He received certain information, when on his way to negotiate the treaty with the Indians, that about three hundred English troops had landed; were fortifying themselves at the mouth of the Apalachicola, and were endeavoring to excite the Indians to war. No time was lost in giving the government notice of what was passing, and of the course he deemed advisable to be pursued. The advantages to be secured from the possession of Pensacola he had frequently urged. But the government were unwilling to encounter the risk of a rupture with Spain, by authorizing the United States troops to enter her territory, while she occupied a neutral position, and Jackson was unable to obtain any answer to his repeated and pressing applications to be allowed to make a descent upon Pensacola, and reduce it, which, he gave it as his opinion, would bring the war in the south to a speedy termination. The secretary of war, General Armstrong, however, wrote him a letter on the 18th of July, 1814, which Jackson did not receive until the 17th of January, 1815, after the war was over, in which he remarked, that, "If the Spanish authorities admit, feed, arm, and co-operate with the British and hostile Indians, we must strike, on the broad principle of self-preservation; under other and different circumstances we must forbear."

The general, afterward speaking of this transaction, remarked: "If this letter, or any hint that such a course would have been winked at by the government, had been received, it would have been in my power to have captured the British shipping in the bay. But acting on my own responsibility, against a neutral power, it became essential for me to proceed with more caution than my judgment or wishes approved, and consequently, important advantages were lost, which might have been secured."

Having ascertained, through some Indian spies, that a considerable English force had arrived in Florida, and that muskets and ammunition had been given to the Indians, General Jackson wrote to the Spanish governor of Pensacola, apprizing him of the information received, and demanding the surrender to him of such chiefs of the hostile Indians as were with him. The governor, after some delay, replied to this letter, denying that any hostile Indians were with him at that time; nor could he refuse those Indians assistance, on the ground of hospitality, when their distresses were so great, or surrender them without acting in open violation of the laws of nations. He also demanded to be informed, if the United States were ignorant that, at the conquest of Florida, there was a treaty between Great Britain and the Creek Indians, and whether they did not know that it still existed between Spain and those tribes. In the same letter, the governor accused the United States government of having harbored traitors from the

Mexican provinces, and of countenancing pirates who had committed robberies upon the merchant-vessels of Spain.

The general answered this letter by another equally high-toned, in which, among other things, he says: "Your excellency has been candid enough to admit your having supplied the Indians with arms. In addition to this, I have learned that a British flag has been seen flying on one of your forts. All this is done, while you are pretending to be neutral. You can not be surprised, then, but, on the contrary, will provide a fort in your town for my soldiers and Indians, should I take it in my head to pay you a visit.

"In future, I beg you to withhold your insulting charges against my government, for one more inclined to listen to slander than I am; nor consider me any more as a diplomatic character, unless so proclaimed to you from the mouths of my cannon."

Captain Gordon, who had been despatched to Pensacola, on his return, reported to the general, that he had seen from one hundred and fifty to two hundred officers and soldiers, a park of artillery, and about five hundred Indians, under the drill of British officers, armed with new muskets, and dressed in the English uniform.

Jackson directly brought to the view of the government the information he had received, and again urged his favorite scheme, the reduction of Pensacola. Many difficulties were presented; but, to have all things in a state of readiness for action, when the time should arrive to authorize it, he addressed the governors of Tennessee, Louisiana, and the Mississippi territory, informing them of the necessity of holding all the forces allotted for the defence of the southwestern military district, in a state of readiness to march at any notice, and to any point where they might be required. The warriors of the different Indian tribes were ordered to be marshalled, and taken into pay of the government.

On the day after completing his business at Fort Jackson, he departed for Mobile, to place the country in a state of defence. He had already despatched his adjutant-general, Colonel Butler, to Tennessee, with orders to raise volunteers; and on the 28th September, 1814, two thousand able-bodied men, well supplied with rifles and muskets, assembled under the command of General Coffee, at Fayetteville, Tennessee, to march for Mobile, a distance of at least four hundred miles. The regular forces, lately enlisted, marched from Nashville to Mobile in about fourteen days.

As General Jackson kept his own determination a secret, the idea could scarcely be entertained, that at this time he intended to advance against Pensacola on his own responsibility. He was not long in doubt as to the course proper to be pursued. Colonel Nicholls had arrived in August at that place, with a squadron of British ships, and taken up his quarters with the Spanish governor, Manrequez. He issued a proclamation to the inhabitants of the southwest, inviting them to join the British standard.

After waiting two weeks, he made an unsuccessful attack on Fort Bowyer, which commanded the entrance to Mobile bay. The fort was defended by Major Lawrence in so gallant a manner, that the British were compelled to retire, with the loss of one of their ships and about two hundred men.

The British retired to Pensacola, and General Jackson determined, on his own responsibility, to enter Florida and take that town. General Coffee, with about twenty-eight hundred men, had arrived at Fort St. Stephens, on the Mobile river. General Jackson repaired to Coffee's camp, and made the necessary arrangement for marching into Florida. The quartermasters were destitute of funds, and the government credit was insufficient to procure supplies for the army. Thus situated, from his own limited funds, and loans effected on his credit and responsibility, he succeeded in carrying his plans into effect, and in hastening his army to the place of its destination.

The difficulty of subsisting cavalry on the route, rendered it necessary that part of the brigade should proceed on foot. Although they had volunteered in the service as mounted men, and expected that no different disposition would be made of them, yet they cheerfully acquiesced in the order; and one thousand, abandoning their horses, to subsist as they could, on the reeds that grew along the river-bottoms, prepared to commence their march. Being supplied with rations for the trip, on the 2d day of November the line of march was taken up, and Pensacola was reached on the 6th. The British and Spaniards had obtained intelligence of their approach and intended attack, and everything was in readiness to dispute their passage to the town. The forts were garrisoned, and prepared for resistance; batteries formed in the principal streets; and the British vessels moored within the bay, and so disposed as to command the main entrances which led to Pensacola.

The American army consisting of Coffee's brigade, the regulars, and a few Indians, in all about 3,000 men, had arrived within a mile and a half of the town, and formed their encampment. Before any final step was taken, General Jackson concluded to make a further application to the governor, and to learn of him what course, at the present moment, he would make it necessary for him to pursue. Major Piere was accordingly despatched with a flag, to disclose the object of the visit, and to require that the different forts, Barancas, St. Rose, and St. Michael, should be immediately surrendered, to be garrisoned and held by the United States, until Spain, by furnishing a sufficient force, might be able to protect the province, and preserve her neutral character.

This mission experienced no very favorable result. Major Piere, on approaching St. Michael's, was fired on, and compelled to return. The Spanish flag was displayed on the fort, and under it the outrage was committed, although the British flag had been associated with it until the dav

before. Notwithstanding this unprovoked outrage, General Jackson acted with forbearance, and sent another letter to the governor, asking an explanation. In answer, the governor stated that what had been done was not properly chargeable on him, but on the English; and he assured the general of his perfect willingness to receive any overtures he might be pleased to make.

Major Piere was again despatched to meet the offer of the governor. The surrender of the fortifications and munitions of war was demanded, to be receipted for, and become the subject of future arrangement by the respective governments. The governor, after advising with his council, rejected the propositions; and as soon as the answer was received by Jackson, he resolved to urge his army forward, and, immediately commencing his march, proceeded to the accomplishment of his object, determined to effect it, in despite of danger and of consequences.

The American army was in motion early in the morning of the 7th of November. Pushing forward, they were soon in the streets, and sheltered by the houses from the cannon of the British vessels in the harbor. Captain Laval, who commanded the advance, fell severely wounded, while he was charging a Spanish battery. From behind the houses and garden fences, constant volleys of musketry were discharged, until the regulars arriving, met the Spaniards, and drove them from their positions.

The governor, panic-struck, and trembling for the safety of the city, hastened, bearing a flag in his hand, to find the commander, and seek to stay the carnage, and promised to consent to whatever terms might be demanded of him.

No time was lost by General Jackson in procuring what was considered by him of vital importance—the surrender of the forts. A capitulation was agreed on the next day; Pensacola and the different fortresses were to be retained by the United States, until Spain could better maintain her authority; while the rights and privileges of her citizens were to be regarded and respected.

Everything was in readiness the next day to take possession of Barancas fort, fourteen miles west of Pensacola. The American troops were ready for marching, when a tremendous explosion gave notice that all was destroyed. It was ascertained that the fort had been blown up, and that the British shipping had retired from the bay. On their retreat from Pensacola, the British carried off with them three or four hundred slaves, in spite of the remonstrances of the owners.

The American loss in this expedition was quite inconsiderable. The left column alone met resistance, and had fifteen or twenty wounded—none killed. Captain Laval and Lieutenant Flournoy were among the number wounded.

Deeming it unnecessary to think of garrisoning and attempting to hold the forts in Florida, Jackson concluded to redeliver all that had been surren-

dered, and retire from the territory. Two days, therefore, after entering Pensacola, he abandoned it. He wrote to the Spanish governor, concluding as follows: "The enemy has retreated; the hostile Creeks have fled to the forest; and I now retire from your town, leaving you to occupy your forts and protect the rights of your citizens."

It had been for some time rumored and generally accredited, that a very considerable force might be expected from England, destined to act against some part of the United States, most probably New Orleans. The importance of this place was well known to the enemy; it was the key to the entire commerce of the western country. Had a descent been made upon it a few months before, it might have been taken with all imaginable ease; but the British had confidently indulged the belief that they could possess it at any time, without much difficulty.

There was nothing now so much desired by General Jackson, as to be able to depart for New Orleans, where he apprehended the greatest danger, and where he believed his presence was most material. He had already effected a partial security for Mobile, and the inhabitants in that vicinity. His health was still delicate, which almost wholly unfitted him for the duties he had to encounter; but his constant expectation of a large force appearing on the coast, impelled him to action. General Coffee and Colonel Hinds, with their mounted men, were ordered to march, and take a position convenient to New Orleans, where they could find forage for their horses. Everything being arranged, and the command at Mobile left with General Winchester, Jackson on the 22d of November, left Mobile for New Orleans, where he arrived on the 1st of December, and where his headquarters were for the present established.*

General Jackson was now on a new theatre, and soon to be brought in collision with an enemy different from any he had yet encountered; the time had arrived to call forth all the energies he possessed. His body worn down by sickness and exhaustion, with a mind constantly alive to the apprehension, that, with the means given him, it would not be in his power to satisfy his own wishes, and the expectations of his country, were circumstances well calculated to depress him.

Louisiana, he well knew, was ill supplied with arms, and contained a mixed population, of different tongues, and doubtful as to their attachment to the government of the United States. No troops, arms, or ammunition, had yet descended from the states of Kentucky and Tennessee. His only reliance for defence, if suddenly assailed, was on the few regulars he had, the volunteers of General Coffee, and such troops as the state itself could furnish. Although continually agitated by gloomy forebodings, he breathed his fears to none. He appeared constantly serene, endeavored to impress a general belief that the country could and would be successfully defended. This apparent tranquillity and avowed certainty

* Eaton.

of success in the general, excited strong hopes, dispelled everything like fear, and impressed all with additional confidence.

While engaged in his operations on the Mobile, he had kept up a correspondence with Governor Claiborne, of Louisiana, urging him to the adoption of measures for the defence of the state. He had also forwarded an address to the people of Louisiana, endeavoring to excite them to a defence of their rights and liberties. Preparations for collecting troops in sufficient strength to repel an invasion, had been actively carried forward. The secretary of war had called upon the governors of Kentucky and Tennessee for quotas of the militia of those states, which requisitions were promptly answered by the governors, and the troops embarked for New Orleans, in November.

While the troops from the upper country were expected, General Jackson was active in adopting such measures as could be earliest effected, and which were best calculated for resistance and defence. The volunteer corps of the city, and other militia, were reviewed, the forts in the vicinity visited, to ascertain their situation and capacity for defence, and new works were erected on the banks of the Mississippi, below the city. Having endeavored, without success, to induce the legislature of Louisiana promptly to suspend the writ of *habeas corpus*, and sensible that delay was dangerous, he assumed the responsibility, and superseded their deliberations, by declaring the city and environs of New Orleans under martial law.

The expected British force appeared off Pensacola, early in December, and on the 22d effected a landing of their troops, about fifteen miles southeast of New Orleans. The American gunboats on Lake Borgne, only five in number, were previously attacked by a force of forty-three British boats, and captured, after a gallant defence, on the 14th of December.

With the exception of the Kentucky troops, 2,250 in number, all the forces expected had arrived previous to the 21st of December. The Kentucky troops arrived on the 4th of January. The Tennessee troops, under General Carroll, were about 2,500 in number. The remaining portion of the American forces consisted of Coffee's brigade of mounted men, the Mississippi dragoons, the Louisiana militia, two regiments of United States regular troops, and a company of marines and artillery.

On the approach of the enemy being announced to General Jackson, on the 22d of December, he resolved to march, and that night give them battle. He therefore advanced, at the head of about 2,000 men, and the following day a battle took place with a detachment of about 2,500 of the British army, nine miles below New Orleans. The enemy's force was increased during the day to four or five thousand, with which the Americans maintained a severe conflict of more than an hour, and retired in safety from the ground; with the loss of but 24 killed, 115 wounded, and 74 made prisoners, while the British loss, in killed, wounded, and prisoners, was about 400.

General Jackson now withdrew his troops to his intrenchments, four miles below the city. On the 28th of December, and the 1st of January, these were vigorously cannonaded by the enemy, but without success.

On the morning of the 8th of January, General Pakenham, commander-in-chief of the British, advanced against the American intrenchments with the main body of his army, numbering more than twelve thousand men.

Behind their breastworks of cotton bales, which no balls could penetrate, six thousand Americans, mostly militia, but the best marksmen in the land, silently awaited the attack. When the advancing columns had approached within reach of the batteries, they were met by an incessant and destructive cannonade; but, closing their ranks as fast as they were opened, they continued steadily to advance, until they came within reach of the American musketry and rifles. The extended American line now presented one vivid stream of fire, throwing the enemy into confusion, and covering the plain with the wounded and the dead.*

In an attempt to rally his troops, General Pakenham was killed; General Gibbs, the second in command, was mortally wounded, and General Keene severely. The enemy now fled in dismay from the certain death which seemed to await them. General Lambert, on whom the command devolved, being unable to check the flight of the troops, retired to his encampment. On the 18th, the whole British army hastily withdrew, and retreated to their shipping.

The heartfelt joy at the glorious victory achieved on one side of the river was clouded by the disaster witnessed on the other. A small body of the American forces was stationed on the right bank of the river. They were attacked by eight hundred chosen British troops, under Colonel Thornton, and compelled to retreat.

The loss of the British in the main attack on the left bank has been variously stated. The killed, wounded, and prisoners, ascertained on the next day after the battle, by Colonel Hayne, the inspector-general, places it at 2,600; General Lambert's report to Lord Bathurst makes it 2,070. The loss of the Americans in killed and wounded was but thirteen.†

On the 20th of January, 1815, General Jackson, with his army, returned to New Orleans. The general glow excited at beholding his entrance into the city, at the head of a victorious army, was manifested by all those feelings which patriotism and sympathy inspire. All greeted his return, and hailed him as their deliverer. The 23d was appointed a day of thanksgiving. Jackson repaired to the cathedral, which was crowded to excess. Children, robed in white, strewed his way with flowers, and an ode was recited as he passed. A *Te Deum* was sung, and Bishop Dubourg delivered an address, which he concluded by presenting the general with a wreath of laurel.

Martial law still prevailed in New Orleans, and in February General

* Wilson's United States. † Eaton.

Jackson arrested Mr. Louallier, a member of the legislature, on a charge of exciting mutiny among his troops, by a publication, on the 10th of February, in the Louisiana Gazette, stating that a treaty of peace had been signed. Louallier applied to Judge Hall for a writ of habeas corpus, which was immediately granted. Instead of obeying the writ, the general arrested the judge, and sent him from the city on the 11th of February. On the 13th of the same month, an express reached headquarters, from the war department at Washington city, announcing the conclusion of peace between Great Britain and the United States, and directing a cessation of hostilities. The previous unofficial intelligence on the 10th had been received by Mr. Livingston, through Admiral Cochrane, of the British fleet.

On being restored to the exercise of his functions, Judge Hall ordered General Jackson to appear before him, to show cause why an attachment for contempt should not be awarded, on the ground that he had refused to obey a writ issued to him, detained an original paper belonging to the court, and imprisoned the judge. The general obeyed the summons, and appeared in court in the garb of a citizen, to receive the sentence of the court, having previously made a written defence. The judge sentenced the general to pay a fine of one thousand dollars, which he paid. A sum was soon raised by the people, to relieve him from the payment, but he declined to receive it. The amount, with interest, was subsequently refunded to Jackson, by act of Congress, in 1844.

The war being ended, and the militia having been discharged, and returned to their homes, General Jackson left New Orleans for Nashville, where he arrived in May, 1815, and was received by his fellow-citizens with the most cordial feelings. An address was delivered at the court-house, in behalf of the citizens, welcoming his return. He then retired to his family residence, to repair a broken constitution, and to enjoy that repose to which, for eighteen months, he had been a stranger.

The annunciation of the triumphant defence of New Orleans was, in every section of the United States, hailed with acclamation. The legislatures of many of the states voted to him their approbation and thanks, for what he had done. The Congress of the United States did the same, and directed a gold medal to be presented to him, commemorative of the event.

The president, on the resignation of General Thomas Pinckney, in 1815, appointed General Jackson commander-in-chief of the southern division of the United States. Toward the close of the autumn of 1815, he visited Washington city, and on his way met with continued demonstrations of respect from the people. At this period, Colonel Burr wrote from New York, to his son-in-law, Ex-Governor Alston, of South Carolina, dated November 20, 1815, recommending the adoption of measures to bring forward the nomination of General Jackson, as a candidate for president of the United States, previous to the nomination of James Monroe by a congressional

caucus, which was then anticipated to take place in December following. "Nothing is wanting," says Burr, "but a respectable nomination before the proclamation of the Virginia caucus, and Jackson's success is inevitable. Jackson is on his way to Washington. If you should have any confidential friend among the members of Congress from your state, charge him to caution Jackson against the perfidious caresses with which he will be overwhelmed at Washington." On the 11th of December, Colonel Burr wrote to Governor Alston, saying, that, since the date of his last "things are wonderfully advanced. These will require a letter from your self and others, advising Jackson what is doing—that communications have been had with the northern states, requiring him only to be passive, and asking from him a list of persons to whom you may address your letters." To this letter Governor Alston replied, on the 16th February, 1816, informing Colonel Burr, that his letter was received in January, "too late, of course, had circumstances been ever so favorable, to be acted upon in the manner proposed. I fully coincide with you in sentiment; but the spirit, the energy, the health, necessary to give practical effect to sentiment, are all gone. I feel too much alone, too entirely unconnected with the world, to take much interest in anything."*

It appears, from this correspondence, that accidental circumstances alone, prevented the public nomination of General Jackson by his native state, as a candidate for president, at a very early period after the war with Great Britain, and caused the bringing forward of his name to be deferred until the last term of Mr. Monroe's administration, viz., in 1822. In the spring of 1816, General Jackson again visited New Orleans. After stationing the army in the southern section of his division, he concluded a treaty with the Indians, the object of which was to obtain from them the relinquishment of all the claim they pretended to have to lands within the limits of the United States, and which had been previously ceded by them.

In the year 1818, the services of General Jackson, in his military capacity, were again called into requisition. The Seminole Indians, of Florida, had shown their hostility to the United States, by committing depredations on the southern frontiers. General Gaines had been ordered by the president, in October, 1817, to take the necessary measures for the defence of the inhabitants of that section of the Union. He accordingly built three forts, and proceeded to expel the Indians, who resisted him, as far as was in their power, and committed various outrages. At the mouth of Flint river, the Indians fell in with a party of forty men, under Lieutenant Scott, all of whom they killed but six, who escaped by swimming.

When the news of this massacre reached General Jackson, he raised an army of two thousand five hundred volunteers, and mustered them as in the service of the United States. After a rapid march, he arrived with his army, on the 1st of April, at the Mickasucky villages, which were de-

* Davis's Life of Burr.

serted on his approach. Having burnt the villages, he marched to St. Marks, then a Spanish post on the Appalachee bay, in Florida.

Two persons, who were traders with the Indians, namely, Arbuthnot, a Scotchman, and Ambrister, a British lieutenant of marines, were taken prisoners by Jackson, near St. Marks, and confined. They were both accused of exciting the Indians to hostility against the United States, and supplying them with arms and ammunition. They were tried by a court-martial, consisting of officers of the militia, and found guilty. One of them was sentenced to be shot, and the other to be hung, and their execution took place by order of General Jackson.

About the middle of May, General Jackson arrived at the Escambia, near Pensacola, having been informed that a body of hostile Indians had been harbored at that place. He took possession of Pensacola and Fort Barancas, notwithstanding a remonstrance from the governor of the territory. Two Indian chiefs, who were captured, were hung, by order of General Jackson, under circumstances which he deemed justifiable, but for which he was censured by many.

On the 2d June, 1818, General Jackson addressed a letter to the secretary of war, at the close of which he says : " The Seminole war may now be considered as at a close ; tranquillity is again restored to the southern frontier of the United States, and, as long as a cordon of military posts is maintained along the gulf of Mexico, America has nothing to apprehend from either foreign or Indian hostilities. The immutable principles of self-defence justified the occupancy of the Floridas, and the same principles will warrant the American government in holding it, until such time as Spain can guaranty, by an adequate military force, the maintaining of her authority within the colony."

After the campaign in Florida, General Jackson returned to Nashville, and shortly afterward he resigned his commission in the army. During the session of Congress, in January, 1819, he visited Washington, when his transactions in the Seminole war became the subject of investigation by Congress. After a long and exciting debate on the subject, resolutions of censure, for his proceedings in Florida, were rejected in the house of representatives, by a large majority, and his course was sustained by the president and a majority of the cabinet, although the Spanish posts in Florida were restored.

When the congressional investigation had terminated favorably to General Jackson, he visited the cities of Baltimore, Philadelphia, and New York, and various other parts of the United States, being received with enthusiasm by his friends in all quarters, and with distinguished attention by the public authorities and others.

In June, 1821, the president appointed him governor of Florida, which office he accepted, and in August he took possession of the territory, according to the treaty of cession The Spanish governor, Callava, having re-

fused to give up certain public documents, deemed of importance, he was taken into custody, by order of Governor Jackson, and committed to prison. The papers being found, under a search-warrant issued by Jackson, Callava was immediately set at liberty. Jackson remained but a few months in Florida; for, disliking the situation, and disapproving of the extent of powers vested in him as governor, he resigned the office and again retired to Tennessee. President Monroe offered him the appointment of minister to Mexico, which he declined in 1823.

In July, 1822, General Jackson was nominated by the legislature of Tennessee as a candidate for president of the United States. This nomination was repeated by assemblages of the people in several other states In the autumn of 1823, he was elected by the legislature a senator from Tennessee, and took his seat in the senate of the United States in December, 1823. He voted for the protective tariff of 1824.

The popularity of General Jackson with the people of the United States, was shown at the presidential election of 1824, when he received a greater number of electoral votes than either of his competitors, namely, ninety-nine. Mr. Adams received eighty-four, Mr. Crawford forty-one, and Mr. Clay thirty-seven. The election consequently devolved on the house of representatives, where, by the constitutional provision, the decision is made by states. Mr. Adams was elected by that body, receiving the votes of thirteen states; General Jackson seven states; and Mr. Crawford four states. The result caused much dissatisfaction among the friends of General Jackson, but a large proportion of those who had supported Mr. Crawford, as well as most of those who had supported Mr. Clay, preferred Mr. Adams to General Jackson.

During General La Fayette's visit to the United States in 1824–'5, he passed through Tennessee, and was received by General Jackson, at the Hermitage, with his accustomed hospitality.

After the election of Mr. Adams to the presidency, the opposition to his administration was soon concentrated upon General Jackson as a candidate to succeed him. In October, 1825, he was again nominated by the legislature of Tennessee for president, on which occasion he resigned his seat in the senate of the United States, in a speech delivered to the legislature, giving his views on public affairs. During the exciting canvass which resulted in his election to the presidency in 1828, by a majority of more than two to one, of the electoral votes, over Mr. Adams, he remained in private life.

In January, 1828, he was present, by invitation, at New Orleans, at the celebration of the anniversary of his victory. Before departing for Washington, in 1829, to take the reins of government, he met with a severe affliction in the death of Mrs. Jackson. This loss bore heavily upon him for some time, and he came into power with gloomy feelings. He reached the national capital early in February, in a plain carriage.

The events of his administration we have given in another place, and to those pages the reader is referred for the history of eight years of his life. In 1832 he was re-elected to the presidency; and at the close of his second term, in March, 1837, having published a farewell address to the people of the United States, he retired to his favorite residence, at the Hermitage, in Tennessee, where he passed the remnant of his days generally a quiet, but not disinterested spectator of public events. He was a member of the presbyterian church, and religious faith and confidence appear to have soothed and cheered all the latter period of his life For the last year or two of his life he was infirm of body, but retained his mental faculties undiminished up to the hour of his decease, which took place on the 8th of June, 1845. His countrymen throughout the United States joined in testimonials of respect to his memory. He left no blood relatives, and his estate was bequeathed to members of the Donelson family, who were the relations of Mrs. Jackson.

The violence of political strife will long confuse men's judgment of the character and abilities of General Jackson; but all will accord to him the praise of great firmness, energy, decision, and disinterestedness; of remarkable military skill, and ardent patriotism. With regard to his qualifications and services as a statesman, his countrymen have been and are divided in opinion. It is, perhaps, not yet time to speak decisively on this point, but it must be left for the impartial verdict of posterity.

The personal appearance and private character of General Jackson are thus described by his friend and biographer, Mr. Eaton, previous to his election to the presidency: "In the person of General Jackson is perceived nothing of the robust and elegant. He is six feet and an inch high, remarkably straight and spare, and weighs not more than one hundred and forty-five pounds. His conformation appears to disqualify him for hardship; yet, accustomed to it from early life, few are capable of enduring fatigue to the same extent, or with less injury. His dark blue eyes, with brows arched and slightly projecting, possess a marked expression; but when from any cause excited, they sparkle with peculiar lustre and penetration. In his manners he is pleasing—in his address commanding; while his countenance, marked with firmness and decision, beams with a strength and intelligence that strikes at first sight. In his deportment there is nothing repulsive. Easy, affable, and familiar, he is open and accessible to all. Influenced by the belief that merit should constitute the only difference in men, his attention is equally bestowed on honest poverty as on titled consequence. His moral character is without reproach; and by those who know him most intimately he is most esteemed. Benevolence in him is a prominent virtue. He was never known to pass distress without seeking to assist and to relieve it."

JACKSON'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1829.

Fellow-Citizens :—

ABOUT to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States ; to superintend their foreign and confederate relations ; to manage their revenue ; to command their forces : and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honorable terms ; and in the adjustment of any differences that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union ; taking care not to confound the powers they have reserved to themselves with those they have granted to the confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours ; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is

incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money, and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost, with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor to disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dock-yards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable *ægis*. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which are consistent with the habits of our government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of *reform*; which will require particularly the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will insure, in their respective stations, able and faithful co-operation—depending for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction.

FIRST ANNUAL MESSAGE.

December 8, 1829.

Fellow-Citizens of the Senate and House of Representatives:—

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the constitution, to present to you, as the federal legislature of twenty-four sovereign states, and twelve millions of happy people, a view of our affairs; and to purpose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with everything which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which

our ministers to those governments left the United States render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue toward this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration, have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing government of France, remained unsatisfied, and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision, between the two governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments, as on the known integrity of

the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French government with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms, or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that government, authorize us to expect will not be made in vain.

With other European powers our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we can not but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified, we can not be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the porte. This advantage, enjoyed upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing; and is now so extended as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the senate.

During the recess of Congress our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our government in like cases was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the

government, together with the uniformly just and friendly disposition which has been evinced by his Danish majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The southern republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government; and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps for ever stifled in that republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other states, this devotion to liberty can not be without a proper effect upon the counsels of the mother-country. The adoption by Spain of a pacific policy toward her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself can not fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American governments generally, are in a train of settlement, while the principal part of those upon Brazil have been adjusted; and a decree of council, ordering bonds to be issued by the minister of the treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause in a great degree is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican government to ratify a treaty negotiated and concluded in its own capital, and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either

to return or not, as in his judgment the interests of his country might require; and instructions to that end were prepared; but before they could be despatched, a communication was received from the government of Mexico, through its chargé d'affaires here, requesting the recall of our minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct toward that republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I can not but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has never been affirmed by the federal government of Mexico in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of a president and vice-president. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their chief magistrate; it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the house of representatives. Experience proves that, in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated. Some may be unfaithful—all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance; and in that event, the election must devolve on the house of representatives, where, it is obvious, the will of the people may not be always ascertained; or, if ascertained may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes; and it may often occur that one of these may be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidate; finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect a president; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principles of our system—*that the majority is to govern*—it must be very certain that a president elected by a

minority can not enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us then endeavor so to amend our system, that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of president and vice-president. The mode may be so regulated as to preserve to each state its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the president, in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should perhaps except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and government rather as a means of promoting individual interest, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least, admit of being made so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit therefore to your consideration whether the efficiency of the government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

In a country where officers are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits; and when these require

his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, or as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just; and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendency, the north, the south, the

east, and the west, should unite in diminishing any burden of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction therefore of the existing duties will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the treasury on the 1st January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions six hundred and two thousand two hundred and thirty dollars; and the expenditures for the same time at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars: leaving a balance in the treasury, on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars and eighty-one cents.

There will have been paid on account of the public debt during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the government, on the first of January next, to forty-eight millions five hundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the Bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

The state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry, and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burdens; and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the states will also be increased, and may be more extensively

exerted in favor of education and other public objects; while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the government without a considerable surplus in the treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several states. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of this surplus revenue, would be its apportionment among the several states, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience point out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained construction. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the federal convention found it—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply-rooted convictions of my mind. I can not, therefore, too strongly, or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere

of state sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall.

In the collection of the revenue, the long credits authorized on goods imported from beyond the cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government sufficient to receive the goods offered in deposite for security and for debenture, and if the right of the United States to a priority of payment out of the estates of its insolvent debtors was more effectually secured, this evil would in a great measure be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and can not be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty and embarrassment of fair and lawful business.

On an examination of the records of the treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and in many instances has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behooves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subject to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, be transferred to the attorney-general; and that this officer be placed on the same footing in all respects as the heads of the other departments—receiving like compensation and having such subordinate officers provided for his department as may be requisite for the discharge of these additional duties. The professional

skill of the attorney-general, employed in directing the conduct of marshals and district-attorneys, would hasten the collection of debts now in suit and hereafter save much to the government. It might be further extended to the superintendence of all criminal proceedings for offences against the United States. In making this transfer great care should be taken, however, that the power necessary to the treasury department be not impaired; one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connexion with the foregoing views I would suggest, also, an inquiry whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the government from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or where his resources are but partial, the want of power in the government to compromise and release the demand, instigates to fraud as the only resource for securing a support to his family. He thus sinks into a state of apathy and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise; and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress numerous frauds on the treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual, and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain by amendatory provisions as to baffle the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the court decided that the prosecution was barred by the statute which limits its prosecution for fraud to two years. In this case all the evidences of the fraud, and indeed, all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; and least of all, in favor of a public officer who continues to defraud the treasury and conceal the transaction, for the brief term of two

years. I would therefore recommend such an alteration of the law as will give the injured party and the government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connexion with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the government with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the secretary of war will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence applicable to the naval force, will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, most ardently desires to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences specified in the report under consideration, to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, can not now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon-general, assign to them an annual salary of two thousand five hundred dollars; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of your safest means of national defence, the military academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every revolutionary soldier who aided in establishing

our liberties, and who is unable to maintain himself in comfort. These relics of the war of independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four; of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimates of its late secretary by about fifty thousand dollars, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the secretary of war which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the executive can not obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to one hundred thousand dollars, and has recently been vested in United States three-per-cent. stock.

The condition and ulterior destiny of the Indian tribes within the limits of some of our states have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy; and the Indians, in general, receding further and further to the west, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions. The constitution declares, that "no new state shall be formed or erected within the jurisdiction of any other state," without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign

state, always asserting her claim to certain limits, which, having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have left but remnants, to preserve for a while their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohegan, the Narraganset, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the states, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step can not be retraced. A state can not be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those states, and of every state, actuated by feelings of justice and regard for our national honor, submit to you the interesting question, whether something can not be done, consistently with the rights of the states, to preserve this much-injured race.

As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guarantied to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to

no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the states, they must be subject to their laws. In return for their obedience as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the states, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the secretary of the navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects not been secured.

In time of peace we have need of no more ships-of-war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposites in navy-yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the navy board that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this district, being already furnished with most of the machinery necessary for ship-building, will be competent to the supply of the two selected by the board as the best for the concentration of mate-

rials; and, from the facility and certainty of communication between them, it will be useless to incur, at these depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected, by dispensing altogether with the navy board, as now constituted, and substituting in its stead bureaus similar to those already existing in the war department. Each member of the board transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which can not be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the infantry or artillery, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the navy may soon be made everything that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought not to be rectified

The report of the postmaster-general is referred to as exhibiting a highly satisfactory administration of that department. Abuses have been reformed, increased expedition in the transmission of the mail secured, and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. A uniform operation of the federal government in the different states is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each state has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists

in all its efficiency in only fifteen members of the Union; to three others, the circuit courts, which constitute an important part of that system, have been imperfectly extended; and to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the supreme court) to their fellow-citizens in other states, in the whole extent of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be held by those classes alternately, the chief justice always presiding.

If an extension of the circuit court system to those states which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the department of state forced itself, at an early period, upon the attention of the executive. Thirteen years ago it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the federal system toward the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation, but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether a national one, founded upon the credit of the government

and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and country that were expected to result from the present bank.

I can not close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it, and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication that whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

SPECIAL MESSAGE.

JANUARY 5, 1830.

To the Senate of the United States:—

I HAVE been requested by the legislature of South Carolina, as will appear from the documents accompanying this communication, to submit to the consideration of Congress certain claims against the United States for advances made by that state during the last war. It is conceded that the redress sought for can only be obtained through the interposition of Congress. The only agency allowed to me is, to present such facts in relation to the subject as are in the possession of the executive, in order that the whole may be fairly considered.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the confederacy that has, under all circumstances, shown an ardent devotion to the cause of the country, the most ample justice.

By a reference to the department of war, for information as to the nature and extent of these claims, it appears that they consist of:—

1st. Interest upon moneys advanced for the United States which have been heretofore reimbursed;

2d. Certain advances which, on a settlement between South Carolina and the United States, were disallowed, or suspended, by the accounting officers of the treasury.

In regard to the former, the rule hitherto adopted by Congress has been to allow to the states interest only where they had paid it on money borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because, instead of borrowing, as she alleges, for the use of the United States, upon interest, she applied to the use of the United States funds for which she was actually receiving an interest; and as she is understood to insist that the loss of interest in both cases being equal, and the relief afforded equally meritorious, the same principle of remuneration should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forward by the states that, in periods of extreme peril, generously contributed to the service of the Union, and enabled the general government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected, will appear from the communications of the secretary of war, and third auditor, herewith submitted.

SPECIAL MESSAGE.

JANUARY 26, 1830.

To the Senate and House of Representatives :—

I FIND it necessary to recommend to Congress a revision of the laws relating to the direct and contingent expenses of our intercourse with foreign nations, and particularly of the act of May 1, 1810, entitled, "An act fixing the compensation of public ministers, and of consuls residing on the coast of Barbary, and for other purposes."

A letter from the fifth auditor of the treasury, to the secretary of state, herewith transmitted, which notices the difficulties incident to the settlement of the accounts of certain diplomatic agents of the United States, serves to show the necessity of this revision. This branch of the government is incessantly called upon to sanction allowances which not unfrequently appear to have just and equitable foundations in usage, but which are believed to be incompatible with the provisions of the act of 1810. The letter from the fifth auditor contains a description of several claims of this character, which are submitted to Congress as the only tribunal competent to afford the relief to which the parties consider themselves entitled.

Among the most prominent questions of this description are the following :—

1. *Claims for outfits by ministers and chargés des affaires duly appointed by the president and senate.*

The act of 1790, regulating the expenditures for foreign intercourse, provided, "that, exclusive of an outfit, which shall in no case exceed one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the president shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same than four thousand five hundred

dollars per annum to a chargé d'affaires." By this provision, the maximum of allowance only was fixed, leaving the question as to any outfit, either in whole or in part, to the direction of the president, to be decided according to circumstances. Under it, a variety of cases occurred, in which outfits, having been given to diplomatic agents on their first appointment, afterward, upon their being transferred to other courts, or sent upon special and distinct missions, full or half outfits were again allowed.

This act, it will be perceived, although it fixes the maximum of outfit, is altogether silent as to the circumstances under which outfits might be allowed: indeed, the authority to allow them at all is not expressly conveyed, but only incidentally adverted to in limiting the amount. This limitation continued to be the only restriction upon the executive until 1810; the act of 1790 having been kept in force till that period, by five successive re-enactments, in which it is referred to by means of its title, or its terms are repeated *verbatim*. In 1810, an act passed, wherein the phraseology which had been in use for twenty years is departed from. Fixing the same limits precisely to the *amount* of salaries and outfits to ministers and chargés as had been six times fixed since 1790, it differs from preceding acts by formally conveying an authority to allow an outfit to "a minister plenipotentiary or charge d'affaires, *on going from the United States to any foreign country;*" and, in addition to this specification of the circumstances under which the outfits may be allowed, it contains one of the conditions which shall be requisite to entitle a chargé or secretary to the compensation therein provided.

Upon a view of all the circumstances connected with the subject, I can not permit myself to doubt, that it was with reference of multiplying outfits to the same person, and in the intention of prohibiting it in future, that this act was passed.

It being, however, frequently deemed advantageous to transfer ministers already abroad, from one court to another, or to employ those who were resident at a particular court, upon special occasions, elsewhere, it seems to have been considered, that it was not the intention of Congress to restrain the executive from so doing. It was further contended, that the president being left free to select for ministers citizens, whether at home or abroad, a right on the part of such ministers to the usual emoluments, followed as a matter of course. This view was sustained by the opinion of the law officer of the government; and the act of 1810 was construed to leave the whole subject of salary and outfit where it found it under the law of 1790; that is to say, completely at the discretion of the president, without any other restriction than the maximum already fixed by that law. This discretion has, from time to time, been exercised by successive presidents; but, while I can not but consider the restriction in this respect, imposed by the act of 1810, as inexpedient, I can not feel myself justified in adopting a construction which defeats the only operation of which this part of it seems susceptible; at least, not unless Congress, after having the subject distinctly brought to their consideration, should virtually give their consent to that construction. Whatever may be thought of the propriety of giving an outfit to secretaries of legation or others, who may be considered as only temporarily charged with the affairs intrusted to them, I am impressed with the justice of such an allowance in the case of a citizen who happens to be abroad when first appointed, and that of a minister already in place, when the public interest requires his transfer, and, from the breaking up of his establishment, and other circumstances

connected with the change, he incurs expenses to which he would not otherwise have been subjected.

II. *Claims for outfits and salaries by chargés des affaires and secretaries of legation, who have not been appointed by the president by and with the advice and consent of the senate.*

By the second section of the act of 1810, it is provided, "That, to entitle any chargé d'affaires, or secretary of any legation, or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation herein before provided, they shall respectively be appointed by the president of the United States, by and with the advice and consent of the senate; but in the recess of the senate, the president is hereby authorized to make such appointments, which shall be submitted to the senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any chargé d'affaires, or any of the secretaries herein before described, who shall not be appointed as aforesaid." Notwithstanding the explicit language of this act, claims for outfits and salaries have been made, and allowed at the treasury, by chargés des affaires and secretaries of legation who had not been appointed in the manner specified. Among the accompanying documents will be found several claims of this description, of which a detailed statement is given in the letter of the fifth auditor. The case of Mr. William B. Lawrence, late chargé d'affaires at London, is of a still more peculiar character, in consequence of his having actually drawn his outfit and salary from the bankers employed by the government, and from the length of time he officiated in that capacity. Mr. Lawrence's accounts were rendered to the late administration, but not settled. I have refused to sanction the allowance claimed, because the law does not authorize it; but have refrained from directing any proceedings to compel a reimbursement of the money thus, in my judgment, illegally received, until an opportunity should be afforded to Congress to pass upon the equity of the claim.

Appropriations are annually and necessarily made "for the contingent expenses of all the missions abroad," and "for the contingent expenses of foreign intercourse," and the expenditure of these funds intrusted to the discretion of the president. It is out of those appropriations that allowances of this character have been claimed, and, it is presumed, made Deeming, however, that the discretion thus committed to the executive, does not extend to the allowances of charges prohibited by express law, I have felt it my duty to refer all existing claims to the action of Congress, and to submit to their consideration, whether any alteration of the law in this respect is necessary.

III. *The allowance of a quarter's salary to ministers and chargés des affaires, to defray their expenses home.*

This allowance has been uniformly made, but is without authority by law. Resting in executive discretion, it has, according to circumstances, been extended to cases where the ministers died abroad, to defray the return of his family, and was recently claimed in a case where the minister had no family, on grounds of general equity. A charge of this description can hardly be regarded as a contingent one, and if allowed at all, must be in lieu of salary. As such, it is altogether arbitrary, although it is not believed that the interests of the treasury are, upon the whole, much affected by the substitution. In some cases, the allowance is for a longer period than is occupied in the return of the minister; in others, for one somewhat less; and it seems to do away all inducement to unnecessary delay. The

subject is, however, susceptible of positive regulation by law; and it is, on many accounts, highly expedient that it should be placed on that footing. I have, therefore, without directing any alteration in the existing practice, felt it my duty to bring it to your notice.

IV. *Travelling and other expenses in following the court, in cases where its residence is not stationary.*

The only legations by which expenses of this description are incurred and charged are those to Spain and the Netherlands, and to them they have, on several occasions, been allowed. Among the documents herewith communicated, will be found, with other charges requiring legislative interference, an amount for travelling expenses, with a statement of the grounds upon which their reimbursement is claimed. This account has been suspended by the officer of the treasury to whom its settlement belongs; and as the question will be one of frequent recurrence, I have deemed the occasion a fit one to submit the whole subject to the revision of Congress. The justice of these charges, for extraordinary expenses unavoidably incurred, has been admitted by former administrations, and the claims allowed. My difficulty grows out of the language of the act of 1810, which expressly declares, that the salary and outfit it authorizes to the minister and chargé d'affaires shall be "a compensation for all his personal services and expenses." The items which ordinarily form the contingent expenses of a foreign mission are of a character distinct from the *personal* expenses of the minister. The difficulty of regarding those now referred to in that light is obvious. There are certainly strong considerations of equity in favor of a remuneration for them at the two courts where they are alone incurred; and if such should be the opinion of Congress, it is desirable that authority to make it be expressly conferred by law, rather than continue to rest upon doubtful construction.

V. *Charges of consuls for discharging diplomatic functions, without appointment, during a temporary vacancy in the office of chargé d'affaires.*

It has sometimes happened, that consuls of the United States, upon the occurrence of vacancies, at their places of residence, in the diplomatic offices of the United States, by the death or retirement of our minister or chargé d'affaires, have taken under their care the papers of such mission, and usefully discharged diplomatic functions, in behalf of their government and fellow-citizens, till the vacancies were regularly filled. In some instances, this is stated to have been done to the abandonment of other pursuits, and at a considerably increased expense of living. There are existing claims of this description, which can not be finally adjusted or allowed without the sanction of Congress. A particular statement of them accompanies this communication.

The nature of this branch of the public service makes it necessary to commit portions of the expenses incurred in it to executive discretion; but it is desirable that such portions should be as small as possible. The purity and permanent success of our political institutions depend, in a great measure, upon definite appropriations, and a rigid adherence to the enactments of the legislature disposing of public money. My desire is, to have the subject placed upon a more simple and precise, but not less liberal footing, than it stands on at present, so far as that may be found practicable. An opinion, that the salaries allowed by law to our agents abroad are, in many cases, inadequate, is very general; and it is reasonable to suppose, that this impression has not been without its influence in the construction of the laws by which those salaries are fixed. These are

certainly motives, which it is difficult to resist, to an increased expense on the part of some of our functionaries abroad, greatly beyond that which would be required at home.

Should Congress be of opinion that any alteration for the better can be made, either in the rate of salaries now allowed, or in the rank and gradation of our diplomatic agents, or both, the present would be a fit occasion for a revision of the whole subject.

SPECIAL MESSAGE.

May 30, 1830.

To the Senate of the United States :—

Gentlemen : I have approved and signed the bill entitled, "An act making appropriations for examinations and surveys, and also for certain works of internal improvement;" but as the phraseology of the section, which appropriates the sum of eight thousand dollars for the road from Detroit to Chicago, may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the territory of Michigan, I desire to be understood, as having approved this bill with the understanding, that the road, authorized by this section, is not to be extended beyond the limits of the said territory.

MAYSVILLE ROAD VETO.

May 27, 1830.

To the House of Representatives :—

Gentlemen : I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike-road Company," and now return the same to the house of representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if, in stating this difference, I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries, actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all governments, and the more to be expected in one which like ours owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence

and unbiased judgment which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session, I endeavored to exhibit briefly my views upon the important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the representatives of the several states in Congress assembled, the inquiry whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this government over the subject of internal improvements, and the manner in which these powers, if conferred by the constitution, ought to be exercised. The act which I am called upon to consider has therefore been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestion will be found :—

"After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debts will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation, and the construction of highways in the several states. Let us then endeavor to obtain this benefit in a mode which will be satisfactory to all. That hitherto adopted has been deprecated as an infraction of the constitution by many of our fellow-citizens, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils." And adverting to the constitutional power of Congress to make what I consider a proper disposition of the surplus revenue, I subjoin the following remarks: "To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several states according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it."

The constitutional power of the federal government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the states within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national treasury in aid of such works when undertaken by state authority surrendering the claim of jurisdiction. In the first view, the question of power is an open one, and can be decided without the embarrassment attending

the other, arising from the practice of the government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the government was, "that whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse, and for its conservative effect upon some of the most valuable principles of the constitution. The symmetry and purity of the government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution—an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption, and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of fifteen millions of dollars for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland road; the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the constitution, appropriating upward of two millions and a half of dollars out of the national treasury in support of that improvement, with the approbation of every president of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects, under this power, the administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less ex

pensive the means and provisions for the common defence." Regarding the bill as asserting a power in the federal government to construct roads and canals within the limits of the states in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective states in the mode provided by the bill could not confer the power in question ; that the only cases in which the consent and cession of particular states can extend the power of Congress are those specified and provided for in the constitution ; and superadding to these avowals his opinion that a restriction of the power " to provide for the common defence and general welfare" to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution. I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his administration, a bill was passed through both houses of Congress conferring the jurisdiction and prescribing the mode by which the federal government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them ; but that on further reflection and observation his mind had undergone a change ; that his opinion then was : " that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence and of general, not local, national, not state, benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognised and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty if not impracticability of bringing back the operations of the government to the construction of the constitution set up in 1793, assuming that to be its true reading in relation to the power under consideration ; thus giving an admonitory proof of the force of implication, and the necessity of guarding the constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers. For although it is the duty of all to look to that sacred instrument instead of the statute book ; to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances ; it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement; for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the federal government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not state, character." A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable consequently to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the government; but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the general and state governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connexion with any established system of improvements; is exclusively within the limits of a state, starting at a point on the Ohio river, and running out sixty miles to an interior town; and even as far as the state is interested conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character or otherwise, is an inquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the government with the corporation, by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, is it national, and conducive to the benefit of the whole, or local, and operating only to the advantage of a portion of the Union?

But, although I might not feel it to be my official duty to interpose the executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the states, and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the general government to embark in a system of this kind; and, anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views on the subject which have made a deep impression upon my mind, which I think are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communications submitted to you, it appears that if no adverse or unforeseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures, of the character of the one now under consideration, must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the treasury department, and those from the clerks of the senate and house of representatives, herewith submitted, it appears that the bills which have passed into laws, and those which, in all probability, will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of government, will exceed considerably the amount in the treasury for the year 1830. Thus, while we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the treasury; and if to this calculation be added the amount contained in bills which are pending before the two houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt or a resort to additional taxes.

Although many of the states, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the general government in the construction of such as, from their nature, ought to devolve upon it, and to which the means of the individual states are inadequate, is both rational and patriotic; and if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee that, at the proper time, this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But, great as this object undoubtedly is, it is not the only one which demands the fostering care of the government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the government of their choice, by the comparative lightness of their public burdens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation which other less-favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens, through the medium of imposts, have for a considerable period been onerous. In many particulars, these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent

of foreign nations for articles of prime necessity, by the encouragement of their growth and manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of government, and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not for the irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union, and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor, whose prosperity is essential to our national safety and independence, will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

Under this view, the question, as to the manner in which the federal government can, or ought to embark in the construction of roads and canals, and the extent to which it may impose burdens on the people for these purposes, may be presented on its own merits, free of all disguise, and of every embarrassment except such as may arise from the constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in the furtherance of works of internal improvement, my opinion is, that the soundest views of national policy, at this time, point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a republic, of more than twelve millions of happy people, in the forty-fourth year of her existence —after having passed through two protracted wars, the one for the acquisition, and the other for the maintenance of liberty—free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world. Would we not ourselves find, in its effect, an additional guarantee that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these, can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue, and taint the administration of the government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the constitution, explaining and defining the precise powers of the federal

government over it. Assuming the right to appropriate money to aid in the construction of national works, to be warranted by the contemporaneous and continued exposition of the constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory, that the practice obtained its first footing. In most if not all other disputed questions of appropriation, the construction of the constitution may be regarded as unsettled, if the right to apply money, in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and, I may add, painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blest with an abundance of it; for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or, if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth, that man is unfit for self-government, admitted. And this will be the case, if *expediency* be made a rule of construction in interpreting the constitution. Power, in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the federal government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the constitution, delegating the necessary power, and defining and restricting its exercise with reference to the sovereignty of the states, should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection of tolls to keep them in repair, can not be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year, contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. While one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be un-

avoidably fatal to any scheme which, from its extent, would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the federal government should be confined to the appropriation of money in aid of such undertakings, in virtue of state authorities, then the occasion, the manner, and the extent of the appropriations, should be made the subject of constitutional regulation. This is the more necessary, in order that they may be equitable among the several states; promote harmony between different sections of the Union and their representatives; preserve other parts of the constitution from being undermined by the exercise of doubtful powers, or the too great extension of those which are not so; and protect the whole subject against the deleterious influence of combinations to carry, by concert, measures which, considered by themselves, might meet but little countenance. That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable, can scarcely be doubted; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power in cases of real doubt more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the general government to the advancement of the common weal, presents a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency; and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is in my estimation among the highest of our duties.

A supposed connexion between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities, whose claims upon my friendship and gratitude are of the strongest character; but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There is no necessary connexion between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the ground of its consistency with the letter and spirit of the constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account it is at least entitled to a fair

experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt, by means of large appropriations, as a substitute for the security which the system derives from the principles on which it has hitherto been sustained Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions, I have spoken with the freedom and candor which I thought the occasion for their expression called for; and now respectfully return the bill which has been under consideration, for your further deliberation and judgment.

SPECIAL MESSAGE.

MAY 26, 1830.

To the Senate and House of Representatives of the United States:—

GENTLEMEN: I think it my duty to inform you, that I am daily expecting the definitive answer of the British government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

This communication has been delayed by a confident belief, that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session; and is now induced by an apprehension that, although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the president has, in no event, authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet, from the general character of the interviews between him and those of his majesty's ministers, whose particular duty it was to confer with him on the subject, there is sufficient reason to expect a favorable result, to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the president, in case an arrangement can be effected, upon such terms as Congress would approve, to carry the same into effect on our part by proclamation; or, if it should be thought advisable to execute the views of Congress, by like means, in the event of an unfavorable decision.

Any information in the possession of the executive, which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

SECOND ANNUAL MESSAGE.

DECEMBER 7, 1830.

Fellow-Citizens of the Senate and House of Representatives:—

THE pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The Beneficent Author of all good has granted to us, during the present year, health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to the inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union which I most devoutly hope is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations which may, in their consequences, call for the utmost vigilance, wisdom, and unanimity, in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington, which enjoins an

abstinence from all interference with the internal affairs of other nations. From a people exercising in the most unlimited degree the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of Heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy, with which they are administered; from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty conducted in a spirit every way worthy of the cause, and crowned by an heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present king of the French, and which, if sustained to the end, will secure to him the proud appellation of patriot king, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs, have been fully realized in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions of this country as necessary to her colonies, they must be received upon principles of just reciprocity; and further, that it is making an invidious and unfriendly distinction to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial islands of Great Britain, by particular concessions, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage; this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794 she offered to concede to us, for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burden, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the senate; that is, that American vessels should land their return cargoes in the United States only; and moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, cocoa, or cotton, either from those islands or from the

United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to arrange the terms of trade either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed according to the varying legislation of the parties.

The following are the prominent points which have in latter years separated the two governments. Besides a restriction whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been contended: 1st, that the subject should be regulated by treaty stipulations in preference to separate legislation; 2d, that our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother-country, or of her other colonial possessions; and 3d, that our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part, each of the above points had in succession been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our commerce and navigation will enjoy in the colonial ports of Great Britain every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expenses and inconvenience unavoidably incident to it, would have been insupportably onerous had it not been in a great degree lightened by concerted evasions in the mode of making the transhipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. M'Lane has acted, together with the communications which had at that time passed between him and the British government, was laid before you. Although there has not been anything in the acts of the two governments which requires secrecy, it was thought most proper, in the then state of the negotiation, to

make that communication a confidential one. So soon, however, as the evi dence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the acts passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were, upon the reception and annunciation by the president of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrangement could be carried into effect on her part; pursuing in this act of prospective legislation a similar course to that adopted by Great Britain in abolishing, by her act of parliament in 1825, a restriction then existing, and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies—a restriction which she required and expected that we should abolish. Upon each occasion a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of a mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister to the court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States, resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, have for a long time been a source of much solicitude to this government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecu-

tion of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the senate.

By its provision a free passage is secured, without limitation of time, to the vessels of the United States to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact ascertained in the course of the negotiation that, by the construction put upon the treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship toward the United States, have been so long entertained on our part, and so carefully cherished by the present emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I placed great reliance, has been compelled by extreme indisposition to exercise a privilege which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburgh, and resume the discharge of his official duties. I have received the most satisfactory assurance that, in the meantime, the public interest in that quarter will be preserved from prejudice by the intercourse which he will continue through the secretary of legation, with the Russian cabinet.

You are apprized, although the fact has not been officially announced to the house of representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which six hundred and fifty thousand dollars are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance of this adjustment, that its terms are in conformity with the previously-ascertained views of the claimants themselves, thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess.

Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations, can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic; and finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more, not to have it in my power yet to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has been taken, and I do not allow myself to doubt that justice will soon be done to us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice, make an earnest prosecution of them by this government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up, in regard to the liability of the existing government, it is quite clear that such considerations can not now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements; but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive development of all their relations may be expected. It is therefore my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils, and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality

The subjects of difference with Spain have been brought to the view of that government by our minister there, with much force and propriety;

and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances which I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which I am persuaded are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which has hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this government was asked on the occasion, and was readily afforded. Instructions and advice have been given to the governor of Arkansas and the officers in command in the adjoining Mexican state, by which it is hoped the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria; and, in the meantime, the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session, two bills, the one entitled, "An act for making appropriations for building lighthouses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other, "An act to authorize a subscription for stock in the Louisville and Portland canal company," were submitted for my approval. It was not possible, within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early

opportunity to return them to the houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the treasury of the United States the expenses incurred by the establishment and support of lighthouses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports, within the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the constitution, and has been continued without interruption or dispute.

As our foreign commerce increased, and was extended into the interior of the country, by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Lighthouses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors, which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate, it is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursemen of public money too frequently, it is to be feared, invite appropriations for objects of this character, that are neither necessary nor useful.

The number of lighthouse keepers is already very large, and the bill before me proposes to add to it fifty-one more, of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am induced to believe that there has not only been great improvidence in the past expenditures of the government upon these objects, but that the security of navigation has, in some instances, been diminished by the multiplication of lighthouses, and consequent change of lights, upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in this particular, it must not be forgotten that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable that whatever gives facility and security to navigation, cheapens imports: and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise they do not pay. The consumer, in the most inland state, derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime state. Local expenditures have not of themselves a correspondent operation.

From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character which I can not approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation that those under which it was passed.

In speaking of direct appropriations, I mean not to include a practice

which has obtained, to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration, of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the government with those of the states or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important, objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this government, by consolidating into one the general and state governments, which were intended to be kept for ever distinct. I can not perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the constitution. If the interest of the government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the constitution, and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these can not be great from a limited and small number of investments: because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the general government would acquire within the several states by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken, by instituting a partnership between the government and private companies. It proposes a third subscription on the part of the United States, when each preceding one

was at the time regarded as the extent of the aid which government was to render to that work; and the accompanying bill for lighthouses, &c., contains an appropriation for the survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage to the river, and render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am nevertheless induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville road companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within the state, or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the federal and state governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid, and that, in the meanwhile, some general rule for the action of the government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me; and were, I readily admit, intended to awaken the attention and draw forth the opinions and observations of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but making full allowances on that account, I can not, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures, should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same: for the time is yet, I hope, far distant, when those intrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favor at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which

I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the executive to withhold his assent from bills on other grounds than their unconstitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligations of official duty by several of my predecessors; and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of executive power, which has been everywhere the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which the authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent; and thus excludes the operation of personal interests, everywhere the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that, if I have mistaken the interests and wishes of the people, the constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the meantime, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects —to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the government in this matter, than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the federal system, I can not avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition—will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general ground of my objection to local appropriations has been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the state sovereignties as far as is consistent with the rightful action of the federal government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty, is the true faith, and one to which we are mainly indebted for the present success of the entire system; and to which we must alone look for its future stability.

That there are diversities in the interests of the different states which

compose this extensive confederacy, must be admitted. Those diversities arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs, to neutralize their effects as far as practicable, by making the beneficial operation of the federal government as equal and equitable among the several states as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upward of five millions of dollars, and have been distributed in very unequal proportions among the states. The estimated expense of works, of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some states than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds among the several states, is not to be conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the states.

We have it constantly before our eyes, that profession of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of this character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observations of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress, touching the leading and appropriate duties of the federal government, it was but doing justice to the character of our people to expect the severe condemnation of the past, which the recent exhibition of public sentiment has evinced.

Nothing short of a radical change in the action of the government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the states which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the states which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the treasury after the national debt shall have been paid, among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief

notice of these objections here, will not therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce an improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and last, that it would create a discreditable and injurious dependence on the part of the state governments upon the federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective states would constitute one that would be more equitable; and others again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I can not assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority in the exercise of constitutional power shall at any time hereafter decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard by the agents of the people will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of government, can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular states would not be deemed to coincide with the general interests in relation to improvement within such state. But, if the danger to be apprehended from this source

is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvement of a general character as the states concerned might not be disposed to unite in, the application of the quotas of those states, under the restriction of confining to each state the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective states in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength, as well as the true glory of the confederacy is founded on the prosperity and power of the several independent sovereignties of which it is composed, and the certainty with which they can be brought into successful active co-operation, through the agency of the federal government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have from time to time been proposed, which, from their extent and seeming magnificence, were regarded as of national concernment; but which, upon fuller consideration and further experience, would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the state legislatures, in which every part of each state is immediately represented, can not, I think, be doubted. In the new states particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the federal government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the legislature, in which every county of the state has its own representative. This supposition does not necessarily impugn the motives of such congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity and independence of the state governments, it appears to me only necessary to state the case as it is, and as it would be if the measures proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case, the state would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the states themselves, in their sovereign character, are not unfrequently petitioners at the bar of the federal legislature for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It can not require argument to prove which of the two courses is most compatible with the efficiency or respectability of the state governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such mo-

tives would have prevented the adoption of the constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome; and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers had reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon states situated like those which compose this confederacy; nor is inequality always injustice. Every state can not expect to shape the measures of the general government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and can not be entirely counteracted by human means. Mutual forbearance, therefore, becomes a duty obligatory upon all; and we may, I am confident, count upon a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less-favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one, if it be but faithfully adhered to. Acquiescence in the constitutionally-expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would for ever preserve our Union. Those who cherish and inculcate sentiments like these, render a most essential service to their country; while those who seek to weaken their influence are, however conscientious and praiseworthy their intentions, in effect, its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were in good faith applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will, in the end, lead the public mind in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is, perhaps, the worst that could exist; and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped, that those who disapprove of the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the federal government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the federal government within the sphere intended by those

who modelled, and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burdens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I can not omit to press again upon your attention that part of the constitution which regulates the election of president and vice-president. The necessity for its amendment is made so clear to my mind by the observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting in my duty were I to withhold another expression of my deep solicitude upon the subject. Our system fortunately contemplates a recurrence to first principles, differing in this respect from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow-citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves, to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes, yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny: and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high, the duty of fortifying the points in it which time proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their chief magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me, at the same time, the most likely to correct the evil, and to meet the views of our constituents. The most mature reflection since, has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the house of representatives to decide an election of so high and solemn a character, is unjust to the people; and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties founded upon sectional interests, and to corresponding multiplication of candidates for the presidency, the tendency of the constitutional reference to the house of representatives, is to devolve the election upon that body in almost every instance; and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the constitution appear far more threatening to the peace and integrity of the Union, than any which I can con

ceive as likely to result from the simple legislative action of the federal government.

It was a leading object with the framers of the constitution to keep as separate as possible the action of the legislative and executive branches of the government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connexion with an amendment of the constitution removing all intermediate agency in the choice of the president, I recommended some restrictions upon the re-eligibility of that officer and upon the tenure of officers generally. The reason still exists; and I renew the recommendation, with an increased confidence that this adoption will strengthen those checks by which the constitution designed to secure the independence of each department of the government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the constitution is the chief magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit; I can not too earnestly invite your attention to the propriety of promoting such amendment of the constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. The pecuniary advantages which it promises to the government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the general and state governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent states strong enough to repel future invasion without remote aid. It will relieve the whole state of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those states to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with the settlements of the whites; free them from the power of the states; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay which is lessening their numbers; and perhaps cause them gradually, under the protection of the government, and through the

influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session, an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits, and make them a happy and prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the general government in relation to the state authorities. For the justice of the laws passed by the states within the scope of their reserved powers, they are not responsible to this government. As individuals, we may entertain and express our opinions of their acts; but as a government, we have as little right to control them as we have to prescribe laws to foreign nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests, to submitting to the laws of the state in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by great liberality on the part of the government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and, one by one, have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once-powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there anything in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion.

The present policy of the government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern states, were annihilated, or have

melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from everything, animate, and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new homes, from the moment of their arrival. Can it be cruel in this government, when, by events which it can not control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions? If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the general government toward the red man, is not only liberal but generous. He is unwilling to submit to the laws of the states, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the general government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the states, and so generous to the Indians, the executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The states, moreover, have a right to demand it It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new states, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions and become separate states, did Congress include within their limits extensive tracts of Indian lands, and in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the states was to be co-extensive with their limits, and that, with all convenient despatch, the general government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the state governments over the soil? Probably not one of those states would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were confined for ever to those small portions of

their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty, which this government owes to the new states, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the general government in relation to the states and the Indians within their limits are at an end. The Indians may leave the state or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the state government. No act of the general government has ever been deemed necessary to give the states jurisdiction over the persons of the Indians: that they possess by virtue of their sovereign power within their own limits, in as full a manner before, as after the purchase of the Indian lands; nor can this government add to, or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the states, will unite in attempting to open the eyes of those children of the forest to their true condition; and, by a speedy removal, to relieve them from the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several states. The right to adjust those duties with a view to the encouragement of domestic branches of industry, is so completely identical with that power, that it is difficult to suppose the existence of the one without the other. The states have delegated their whole authority over imports to the general government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the states, the right to exercise it for the purpose of protection does not exist in them; and consequently, if it be not possessed by the general government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case: this indispensable power, thus surrendered by the states, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the constitution, as by the uniform practice of Congress, the continued acquiescence of the states, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole; others fear to touch the objectionable parts, lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views

do injustice to the American people, and to their representatives. The general interest is the interest of each; and my confidence is entire, that to insure the adoption of such modifications of the tariff as the general interest requires, it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes, qualities they do not possess, and effects they can not produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interest and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the government to be guided by the general good. Objects of national importance alone ought to be protected; of these, the productions of our soil, our mines and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session.

The best as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit he question singly for deliberation If, after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system, or to purchase support for a different interest—it should enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection, would be saved from the prejudice excited against them, when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the

will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that while an abandonment of the policy in which it originated—a policy coeval with our government, and pursued through successive administrations—is neither to be expected nor desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I can not, therefore, on taking leave of this subject, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the treasury department, the receipts in the treasury during the present year, will amount to twenty-four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed, by about three hundred thousand dollars, the estimate presented in the last annual report of the secretary of the treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period, will have been eleven millions three hundred and fifty-four thousand six hundred and thirty dollars; leaving a balance in the treasury, on the first of January, 1831, of four millions eight hundred and nineteen thousand seven hundred and eighty-one dollars.

In connexion with the condition of our finances, it affords me pleasure to remark, that judicious and efficient arrangements have been made by the treasury department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public dues. The revenue-cutter service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points; and the regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to the merchant service has been revised; and by being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the commissioner of the general land office, and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests intrusted to the war department. Some of them were referred to in my former message, and they are presented in detail in the report of the secretary of war, herewith submitted. I refer you, also, to the report of that officer, for a knowledge of the state of the army, fortifications, arsenals, and Indian affairs; all of which it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier, which are now, or shortly will be completed, should not be in readiness sooner than the customary appropriations will enable the department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the secretary of the navy, for a highly satisfactory account of the manner in which the concerns of that department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harassing inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in depôt for future use, than to increasing their number. With the aid of Congress, in a few years, the government will be prepared, in case of emergency, to put afloat a powerful army of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service, suggested in my last annual message, which are noticed more in detail in the report of the secretary of the navy, are again recommended to your serious attention.

The report of the postmaster-general, in like manner, exhibits a satisfactory view of the important branch of the government under his charge. In addition to the benefits already secured by the operations of the postoffice department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage-coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been provided for the southern section of the country, and at the same time an annual saving made of upward of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given that the future revenue of the department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its design. It gives full assurance of the punctual

transmission, as well as the security of the funds of the department. The efficiency and industry of its officers, and the ability and energy of contractors, justify an increased confidence in its continued prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification of the office of attorney-general of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of solicitor of the treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer, and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the attorney-general's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing to him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different executive departments to the attorney-general are of frequent occurrence; and the prompt decision of the questions so referred tends much to facilitate the despatch of business in those departments. The report of the secretary of the treasury, hereto appended, shows also a branch of the public service not specifically intrusted to any officer which might be advantageously committed to the attorney-general.

But, independently of those considerations, this office is now one of daily duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of government, in professional attendance upon the courts, injurious to the public service; and the interests of the government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justice of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the attorney-general, in regard to compensation, on the same footing with the heads of the several executive departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the district of Columbia. Placed by the constitution under the exclusive jurisdiction and control of Congress, this district is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac, the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance, in some cases, to the improvements which have superseded them in those states.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a delegate to represent the wants of the citizens of this district on the floor of Congress, is not due to them, and to the character of our government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress, with the same privileges that are allowed to that of the other territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recall your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principle involved in the inquiry whether it will be proper to recharter the bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers, as a branch of the treasury department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The states would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the bank of the United States, though issuing no paper, would check the issues of the state banks, by taking their notes in deposite, and for exchange only, so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which can not continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the states and the people.

In conclusion, fellow-citizens, allow me to invoke in behalf of your deliberations, that spirit of reconciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

SPECIAL MESSAGE.

DECEMBER 15, 1830.

To the Senate and House of Representatives of the United States :—

GENTLEMEN : From information received at the department of state, it is ascertained that, owing to unforeseen circumstances, several of the marshals have been unable to complete the enumeration of the inhabitants of the United States within the time prescribed by the act of the 23d March, 1830, viz., by the first day of the present month.

As the completion of the fifth census, as respects several of the states of the Union, will have been defeated, unless Congress, to whom the case is submitted, should, by an act of the present session, allow further time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow-Citizens of the Senate and House of Representatives :—

THE representation of the people has been renewed for the twenty-second time since the constitution they formed has been in force. For near half a century, the chief magistrates who have been successively chosen have made their annual communications of the state of the nation to its representatives. Generally, these communications have been of the most gratifying nature, testifying an advance in all the improvements of social, and all the securities of political life. But, frequently and justly as you have been called on to be grateful for the bounties of Providence, at few periods have they been more abundantly or extensively bestowed, than at the present ; rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics. The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature, and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man, and making each new conquest auxiliary to his comforts. By our mails, whose speed is regularly increased and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe ; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days ; and in the construction of railroads, and the application of steam power, we have a reasonable prospect that the extreme parts of our country will be so much approximated, and

those most isolated by the obstacles of nature rendered so accessible, as to remove an apprehension sometimes entertained, that the great extent of the Union would endanger its permanent existence.

If, from the satisfactory view of our agriculture, manufactures, and internal improvements, we turn to the state of our navigation and trade with foreign nations and between the states, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast, indented by capacious bays, noble rivers, inland seas; with a country productive of every material for ship-building, and every commodity for gainful commerce, and filled with a population, active, intelligent, well-informed, and fearless of danger. These advantages are not neglected; and an impulse has lately been given to commercial enterprise, which fills our ship-yards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvass.

Let us be grateful for these blessings to the beneficent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of his future designs by the manner in which his past favors have been bestowed, he has made our national prosperity to depend on the preservation of our liberties—our national force on our federal Union—and our individual happiness on the maintenance of our state-rights and wise institutions. If we are prosperous at home, and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so, we shall, by the blessing of Heaven, go on in the happy career we have begun, and which has brought us, in the short period of our political existence, from a population of three to thirteen millions—from thirteen separate colonies to twenty-four United States—from weakness to strength—from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted, in a great degree, from the principles which have guided our intercourse with foreign powers, since we have assumed an equal station among them: and hence the annual account which the executive renders to the country of the manner in which that branch of his duties has been fulfilled, proves instructive and salutary.

The pacific and wise policy of our government kept us in a state of neutrality during the wars that have, at different periods since our political existence, been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal, had all, in a greater or less degree, infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have, in some cases, a leading influence on the nature of our relations with the powers on whom they were made.

Of our claims upon England, it is unnecessary to speak, further than to say, that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade, which was communicated to Congress at the last session; and al-

though the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed, to the 30th September last, upward of thirty thousand tons of American, and fifteen thousand tons of foreign shipping in the outward voyages; and in the inward, nearly an equal amount of American, and twenty thousand only of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our territories and states bordering on the St. Lawrence and the lakes, which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the northern colonies with the West Indies.

After our transition from the state of colonies to that of an independent nation, many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries, not described with sufficient precision in the treaty of peace. Some of the lines that divide the states and territories of the United States from the British provinces have been definitively fixed. That, however, which separates us from the provinces of Canada and New Brunswick to the north and the east, was still in dispute when I came into office. But I found arrangements made for its settlement over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate and make a decision upon such points of difference," and the king of the Netherlands having, by the late president and his Britannic majesty, been designated as such friendly sovereign, it became my duty to carry, with good faith, the agreement so made into full effect. To this end, I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter; and nominated as minister plenipotentiary to his court, a distinguished citizen of the state most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the tenth day of January last, his majesty, the king of the Netherlands, delivered to the plenipotentiaries of the United States and of Great Britain, his written opinion on the case referred to him. The papers in relation to the subject will be communicated, by a special message, to the proper branch of the government, with the perfect confidence that its wisdom, will adopt such measures as will secure an amicable settlement of the controversy, without infringing any constitutional right of the states immediately interested.

It affords me satisfaction to inform you that suggestions made by my direction to the chargé d'affaires of his Britannic majesty to this government, have had their desired effect in producing the release of certain American citizens, who were imprisoned for setting up the authority of the state of Maine at a place in the disputed territory under the actual jurisdiction of his Britannic majesty. From this, and the assurances I have received of the desire of the local authorities to avoid any cause of collision, I have the

best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events very naturally gave rise—concurred to present this as a fit period for renewing our endeavors to provide against the recurrence of causes of irritation which, in the event of war between Great Britain and any other power, would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure, under all possible circumstances, the rights and honor of the country, I have given such instructions to the minister lately sent to the court of London, as will evince that desire : and if met by a correspondent disposition, which we can not doubt, will put an end to the causes of collision which, without advantage to either, tend to estrange from each other two nations who have every motive to preserve, not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress, I expressed a confident hope that the justice of our claims upon France, urged as they were, with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the senate for its approbation; and which, containing stipulations that require legislative acts, must have the concurrence of both houses before it can be carried into effect. By it, the French government engaged to pay a sum, which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim, was accepted, because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances, be exaggerated by design, in others overrated through error, and which, therefore, it would have been both ungracious and unjust to have insisted on ; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shown to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part, to go to the extinction of all claims by French citizens on our government; and a reduction of duties on our cotton, and their wines, has been agreed on, as a consideration for the renunciation of an important claim for commercial privileges, under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped, that has, for so many years, in some degree alienated from each other, two nations who, from interest as well as the remembrance of early associations, ought to cherish the most friendly relations; an encouragement will be given for perseverance in the demands of justice, by this new proof, that if steadily pursued, they will be listened to ; and admonition will be offered to those powers, if any, which may be inclined to evade them, that they will never be abandoned. Above all, a just confidence will be inspired in our fellow-citizens, that their government will exert all the powers with which they have invested it, in support of their just claims upon foreign nations ; at the same time that the frank acknowledgment and provision for the payment of those which are addressed to our equity, although unsupported by legal proof, affords a practical illustration of our

submission to the divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark, having made compensation for the irregularities committed by their vessels, or in their ports, to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

With Spain our differences, up to the 22d February, 1819, were settled by the treaty of Washington of that date; but at a subsequent period our commerce with the states, formerly colonies of Spain on the continent of America, was annoyed and frequently interrupted by her public and private armed ships; they captured many of our vessels prosecuting a lawful commerce, and sold them and their cargoes; and at one time, to our demands for restoration and indemnity, opposed the allegation, that they were taken in the violation of a blockade of all the ports of those states. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the minister whom I sent with instructions to press for the reparation that was due to our injured fellow-citizens, has transmitted an answer to his demand, by which the captures are declared to have been legal, and are justified, because the independence of the states of America never having been acknowledged by Spain, she had a right to prohibit trade with them under her old colonial laws. This ground of defence was contradictory, not only to those which had been formerly alleged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects, for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I, however, indulge the hope that further reflection will lead to other views, and feel confident that when his catholic majesty shall be convinced of the justice of the claim, his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have, therefore, despatched a special messenger with instructions to our minister to bring the case once more to his consideration; to the end that if, which I can not bring myself to believe, the same decision, that can not but be deemed an unfriendly denial of justice, should be persisted in, the matter may, before your adjournment, be laid before you, the constitutional judges of what is proper to be done when negotiation for redress of injury fails.

The conclusion of a treaty for indemnity with France, seemed to present a favorable opportunity to renew our claims of a similar nature on other powers; and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power, our failure to induce France to render us justice was used as an argument against us. The desires of the merchants, who were the principal sufferers, have therefore been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the government of the two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated, attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defence, always unfounded in any principle of the law of nations—now universally abandoned even by those powers upon whom the responsibility for acts of past rulers bore the most heavily—will unquestionably be given up by his Sicilian majesty, whose councils will receive an impulse from that high sense of honor and regard to justice, which are said to characterize him; and I feel the fullest confidence that the talents of the citizens commissioned for that purpose, will place before him the just claims of our injuired citizens in such a light as will enable me, before your adjournment, to announce that they have been adjusted and secured. Precise instructions to the effect of bringing the negotiation to a speedy issue, have been given and will be obeyed.

In the late blockade of Terceira, some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of despatching an armed force to prevent any recurrence of a similar violence, and protect our citizens in the prosecution of their lawful commerce, when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made, that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope, from the evidence of a friendly disposition which that government has shown by an actual reduction in the duty on rice, the produce of our southern states, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the others powers of Europe, we have fortunately had no cause of discussions for the redress of injuries. With the empire of the Russias, our political connexion is of the most friendly, and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade, given to the most favored nation; but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of the minister last year, charged with making a proposition for that arrangement, did not permit him to remain at St. Petersburgh; and the attention of that government during the whole of the period since his departure having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A minister will soon be nominated, as well to effect this important object, as to keep up the relations of amity and good understanding, of which we have received so many assurances and proofs from his imperial majesty, and the emperor his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the emperor, the value of which has been hitherto little known, and of course not sufficiently appreciated. While our commerce finds an entrance into the south of Germany by means of this treaty, those we have formed with the Hanseatic towns and Prussia, and others

now in negotiation, will open that vast country to the enterprising spirit of our merchants on the north; a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the porte was sent to be exchanged, by the gentleman appointed our chargé d'affaires to that court. Some difficulties occurred on his arrival; but at the date of his last official despatch, he supposed they had been obviated, and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought proper to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating, as far as it lies in my power, the activity and industry of our fellow-citizens from the shackles which foreign restrictions may impose.

To China and the East Indies, our commerce continues in its usual extent, and with increased facilities, which the credit and capital of our merchants afford, by substituting bills for payments in specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade, at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society that the usual course of proceedings between civilized nations could not be pursued, I forthwith despatched a frigate with orders to require immediate satisfaction for the injury, and indemnity to the sufferers.

Few changes have taken place in our connexions with the independent states of America, since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico, has been for some time under deliberation in their Congress, but was still undecided at the date of our last despatches. The unhappy civil commotions that have prevailed there were undoubtedly the cause of the delay; but as the government is now said to be tranquillized, we may hope soon to receive the ratification of the treaty, and an arrangement for the demarcation of the boundaries between us. In the meantime an important trade has been opened, with mutual benefit, from St. Louis, in the state of Missouri, by caravans, to the interior provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America I have received assurances of the most friendly kind, and a gratifying application for our good offices to remove a supposed indisposition toward that government in a neighboring state; this application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs, had been peaceably adjusted. Our treaty with this republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries; a commerce of the greatest importance, if the magnificent project of a ship canal through the dominions of that state, from the Atlantic to the Pacific ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our minister in Colombia, to procure a very considerable reduction in the duties on our flour in that republic. Indemnity, also

has been stipulated for injuries received by our merchants from illegal seizures; and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions; and until they shall be settled, disorders may naturally be apprehended, requiring the constant presence of a naval force in the Pacific ocean, to protect our fisheries and guard our commerce.

The disturbances that took place in the empire of Brazil, previously to and immediately consequent upon the abdication of the late emperor, necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our minister there, to press for indemnity due for losses occasioned by these irregularities: and to take care that our fellow-citizens shall enjoy all the privileges stipulated in their favor by the treaty lately made between the two powers, all which the good intelligence that prevails between our minister at Rio Janeiro and the Regency, gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated, but for occurrences which have lately taken place at the Falkland Islands, in which the name of that republic has been used to cover, with a show of authority, acts injurious to our commerce, and to the property and liberty of our fellow-citizens. In the course of the present year, one of our vessels engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the government of Buenos Ayres. I have, therefore, given orders for the despatch of an armed vessel to join our squadron in those seas, and aid in affording all lawful protection to our trade which shall be necessary; and shall without delay send a minister to inquire into the nature of the circumstances, and also of the claim, if any, that is set up by that government to those islands. In the meantime, I submit the case to the consideration of Congress, to the end that they may clothe the executive with such authority and means as they may deem necessary, for providing a force adequate to the complete protection of our fellow-citizens fishing and trading in those seas.

This rapid sketch of our foreign relations, it is hoped, fellow-citizens, may be of some use in so much of your legislation as may bear on that important subject; while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connexion with the rest of the world. At peace with all—having subjects of future difference with few, and those susceptible of easy adjustment—extending our commerce gradually on all sides, and on none by any but the most liberal and mutually beneficial means—we may, by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will, which are binding as well upon states, as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward open course to pursue—guided by a single principle that will bear the strongest light—we have happily no

political combinations to form, no alliances to entangle us, no complicated interests to consult; and in subjecting all we have done to the consideration of our citizens, and to the inspection of the world, we give no advantage to other nations, and lay ourselves open to no injury.

It may not be improper to add, that to preserve this state of things and give confidence to the world in the integrity of our designs, all our consular and diplomatic agents are strictly enjoined to examine well every cause of complaint preferred by our citizens; and while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation, and render us respected abroad.

Connected with this subject, I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the secretary of state, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated states is the next principal object of the general government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the states. At the last session, I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the government, and agreed to remove beyond the Mississippi river, by which the whole of the state of Mississippi and the western part of Alabama will be freed from Indian occupancy, and opened to a civilized population. The treaties with these tribes are in course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one half, if not two thirds of that tribe, will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the general government.

During the present year the attention of the government has been particularly directed to those tribes in the powerful and growing state of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made, extinguishing the whole Indian title to the reservations in that state; and the time is not distant, it is hoped, when Ohio will be no longer embarrassed by the Indian population. The same measure will be extended to Indiana, as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the government will extinguish the Indian title to all lands lying within the states composing our federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the states and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the states immediately concerned, but to the harmony of the Union, will have

been accomplished by measures equally advantageous to the Indians. What the native savages become when surrounded by a dense population and by mixing with the whites, may be seen in the miserable remnants of a few eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the states, does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode, will be more free in the exercise of their benevolent functions than if they had remained within the limits of the states, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the general government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our republic, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the treasury department.

The state of the public finances will be fully shown by the secretary of the treasury, in the report which he will presently lay before you. I will here, however, congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of twenty-seven millions seven hundred thousand dollars, and the expenditures for all objects other than the public debt, will not exceed fourteen millions seven hundred thousand dollars. The payment on account of the principal and interest of the debt during the year, will exceed sixteen millions five hundred thousand dollars; a greater sum than has been applied to that object out of the revenue in any year since the enlargement of the sinking fund, except the two years following immediately thereafter. The amount which will have been applied to the public debt from the fourth of March, 1829, to the first of January next, which is less than three years since the administration has been placed in my hands, will exceed forty millions of dollars.

From the large importations of the present year, it may be safely estimated that the revenue which will be received into the treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that, with the means which the government will have at its disposal from various sources, which will be fully stated by the proper department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of my administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated, presents an opportunity for carrying into effect more fully the policy in relation to import duties, which has been recommended in my former messages. A modification of the tariff, which shall produce a reduction of our revenue to the wants of the government, and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as

it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer, requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject, the proposed reductions can not properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is, therefore, desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation, after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed toward unfortunate debtors to the government, and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress, at their last session, passed an act for the relief of certain insolvent debtors of the United States; but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow-citizens, which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the secretary of the treasury; and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens, and restore to them the means of usefulness to themselves and the community. While deliberating upon this subject, I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States, as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the secretaries of the war and navy departments, and from the postmaster-general, which accompany this message, present satisfactory views of the operations of the departments respectively under their charge, and suggest improvements which are worthy of, and to which I invite, the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting patents, they are pointed out in the accompanying report from the secretary of state.

I have heretofore recommended amendments of the federal constitution giving the election of president and vice-president to the people, and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law, that I can not, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a president in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and, it is believed, may be much improved. Much of the present machinery, and a

considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the government, and an examination into their justice and legality, quite as efficient as the present, secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our constitution to place the people of this district under the jurisdiction of the general government; but, to accomplish the objects they had in view, it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant states to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually nor in Congress collectively, well qualified to legislate over the local concerns of this district. Consequently, its interests are much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented, and which feels little sympathy in their local relations, should, in its attempt to make laws for them, do more harm than good. Governed by the laws of the states whence they were severed, the two shores of the Potomac, within the ten miles square, have different penal codes: not the present codes of Virginia and Maryland, but such as existed in those states at the time of the cession to the United States. As Congress will not form a new code, and as the people of the district can not make one for themselves, they are virtually under two governments. Is it not just to allow them at least a delegate in Congress, if not a local legislature to make laws for the district, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require, and which may be compatible with the constitution.

The extension of the judiciary system of the United States, is deemed to be one of the duties of government. One fourth of the states in the Union do not participate in the benefits of a circuit court. To the states of Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, admitted into the Union since the present judicial system was organized, only a district court has been allowed. If this be sufficient, then the circuit courts, already existing in eighteen states, ought to be abolished: if it be not sufficient, the defect ought to be remedied, and these states placed on the same footing with the other members of the Union. It was on this condition, and on this footing, that they entered the Union; and they may demand circuit courts as a matter, not of concession, but of right. I trust that Congress will not adjourn, leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organized, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the constitution, and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper, on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion, permit me to invoke that power which superintends all

governments, to infuse into your deliberations, at this important crisis of our history, a spirit of mutual forbearance and conciliation. In that spirit was our Union formed, and in that spirit must it be preserved.

SPECIAL MESSAGE.

DECEMBER 13, 1831.

To the Senate and House of Representatives of the United States:—

THE accompanying papers show the situation and extreme peril, from which more than sixty of our fellow-citizens have been rescued by the courage and humanity of the master and crew of a Spanish brig. As no property was saved, there were no means of making pecuniary satisfaction for the risk and loss incurred in performing this humane and meritorious service. Believing, therefore, that this obligation devolved upon the nation, but having no fund at my disposal, which I could think constitutionally applicable to the case, I have thought honor, as well as justice, required that the facts should be submitted to the consideration of Congress, in order that they might provide, not only a just indemnity for the losses incurred, but some compensation adequate to the merit of the service.

SPECIAL MESSAGE.

FEBRUARY 15, 1832.

To the Senate and House of Representatives:—

BEING more and more convinced that the destiny of the Indians, within the settled portion of the United States, depends upon their entire and speedy migration to the country west of the Mississippi, set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal, and to the ultimate security and improvement of the Indians, should be made without further delay. Those who have already removed, and are removing, are sufficiently numerous to engage the serious attention of the government, and it is due, not less to them than to the obligation which the nation has assumed, that every reasonable step should be taken to fulfil the expectations that have been held out to them. Many of those who yet remain, will no doubt, within a short period, become sensible that the course recommended is the only one which promises stability or improvement. And it is to be hoped that all of them will realize the truth, and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the government from exercising such a general control over their affairs as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to remain, but they must remain with such privileges and disabilities as the respective states within whose jurisdiction they live, may prescribe.

I transmit, herewith, a report from the secretary of war, which presents

a general outline of the progress that has already been made in this work, and of all which remains to be done. It will be perceived that much information is yet necessary for the faithful performance of the duties of the government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend. I recommend the subject to the attention of Congress, in the hope that the suggestions in this report may be found useful, and that provision may be made for the appointment of the commissioners therein referred to; and for vesting them with such authority as may be necessary to the satisfactory performance of the important duties proposed to be intrusted to them.

BANK VETO.

JULY 10, 1832.

To the Senate:—

THE bill "to modify and continue" the act entitled, "An act to incorporate the subscribers to the bank of the United States," was presented to me on the 4th of July instant. Having considered it with that solemn regard to the principles of the constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the constitution of our country.

The present corporate body, denominated the president, directors, and company of the bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking, under the authority of the general government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result, in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage The act before me proposes another gratuity to the holders of the same stock, and in many cases, to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase, at least twenty or thirty per cent. more, the market price of the stock, subject to the payment of

the annuity of two hundred thousand dollars per year secured by the act; thus adding, in a moment, one fourth to its par value. It is not our own citizens only who are to receive the bounty of our government. More than eight millions of the stock of this bank are held by foreigners. By this act, the American republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners, and to some of our own opulent citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow upon the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in market at least forty-two millions of dollars, subject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions, payable in fifteen annual instalments of two hundred thousand dollars each.

It is not conceivable how the present stockholders can have any claim to the special favor of the government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the government sell out the whole stock, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act, and putting the premium upon the sales into the treasury.

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor, but to the bounty of government. It appears that more than a fourth part of the stock is held by foreigners, and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly, and dispose of it for many millions less than it is worth. This seems the less excusable, because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock, and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our government must sell monopolies, it would seem to be its duty to take nothing less than their full value; and if gratuities must be made once in fifteen or twenty years, let them not be bestowed on the subjects of a foreign government, nor upon a designated and favored class of men in our own country. It is but justice

and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow-citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me, upon these points, I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own: and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the bank ought to be perpetual; and, as a consequence, the present stockholders, and those inheriting their rights as successors, be established a privileged order, clothed both with great political power, and enjoying immense pecuniary advantages from their connexion with the government.

The modifications of the existing charter, proposed by this act, are not such, in my view, as make it consistent with the rights of the states or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes, are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposite thereof, if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposite from any other incorporated bank." This provision secures to the state banks a legal privilege in the bank of the United States, which is withheld from all private citizens. If a state bank in Philadelphia owe the bank of the United States, and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen, be in like circumstances, he can not by law pay his debt with those notes, but must sell them at a discount, or send them to St. Louis to be cashed. This boon, conceded to the state banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and the low, the rich and the poor.

To the extent of its practical effect, it is a bond of Union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the bank of the United States and the state banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognises principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the secretary of the treasury the names of all stockholders who are not resident citizens of the United States; and on the application of the treasurer of any state, shall make out and transmit to such treasurer a list of stockholders residing in, or citizens of such state, with the amount of stock owned by each." Although this provision, taken in connexion with a decision of the

supreme court, surrenders, by its silence, the right of the states to tax the banking institutions created by this corporation, under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the states, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some states that tax is now one per cent., either on the capital or on the shares, and that may be assumed as the amount which all citizens or resident stockholders would be taxed under the operation of this act. As it is only the stock *held* in the states, and not that *employed* within them, which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the states, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will, therefore, be one per cent. more than the citizen stockholders ; and, as the annual dividends of the bank may be safely estimated at seven per cent., the stock will be worth ten or fifteen per cent. more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the bank of the United States.

By documents submitted to Congress at the present session, it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, eight millions four hundred and five thousand five hundred dollars were held by foreigners, mostly of Great Britain. The amount of stock held in the nine western and southwestern states, is one hundred and forty thousand two hundred dollars, and in the four southern states, is five millions six hundred and twenty-three thousand one hundred dollars, and in the middle and eastern states, is about thirteen millions five hundred and twenty-two thousand dollars. The profits of the bank in 1831, as shown in a statement to Congress, were about three millions four hundred and fifty-five thousand five hundred and ninety-eight dollars ; of this there accrued in the nine western states, about one million six hundred and forty thousand and forty-eight dollars ; in the four southern states, about three hundred and fifty-two thousand five hundred and seven dollars ; and in the middle and eastern states, about one million four hundred and sixty-three thousand and forty-one dollars. As little stock is held in the west, it is obvious that the debt of the people in that section, to the bank, is principally a debt to the eastern and foreign stockholders ; that the interest they pay upon it is carried into the eastern states, and into Europe ; and that it is a burden upon their industry, and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden, and equalize the exchange operations of the bank, the amount of specie drawn from those states, through its branches, within the last two years, as shown by its official reports, was about six millions of dollars. More than half a million of this amount does not stop in the eastern states, but passes on to Europe, to pay the dividends of the foreign stockholders. In the principle of taxation recognised by this act, the western states find no adequate compensation for this perpetual burden on their industry, and drain of their currency. The branch bank at Mobile made, last year, ninety-five thousand one hundred and forty dollars ; yet, under the provisions of this act, the state of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition, in relation to the branches

at Natchez and St. Louis ; and such, in a greater or less degree, is the condition of every western state. The tendency of the plan of taxation which this act proposes, will be to place the whole United States in the same relation to foreign countries which the western states now bear to the eastern. When, by a tax on resident stockholders, the stock of this bank is made worth ten or fifteen per cent. more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision, in its practical effect, deprive the eastern as well as the southern and western states, of the means of raising a revenue from the extension of business and great profits of the institution. It will make the American people debtors to aliens, in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings, this provision is fraught with danger. Of the twenty-five directors of this bank, five are chosen by the government, and twenty by the citizen stockholders. From all voice in these elections, the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors is curtailed.

Already is almost a third of the stock in foreign hands, and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders ; and the ease with which the object would be accomplished, would be a temptation to designing men to secure that control in their own hands, by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control, manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men, irresponsible to the people.

Is there no danger to our liberty and independence in a bank, that in its nature has so little to bind it to our country ? The president of the bank has told us that most of the state banks exist by its forbearance. Should its influence become concentred, as it may under the operation of such an act as this, in the hands of a self-elected directory, whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace, and for the independence of our country in war ? Their power would be great whenever they might choose to exert it ; but if this monopoly were regularly renewed every fifteen or twenty years, on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers, or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition ? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction, there can be no doubt. All its operations within, would be in aid of the hostile fleets and armies without. Control-

ling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy, and every impulse of American feeling, admonishes that it should be purely *American*. Its stockholders should be composed exclusively of our own citizens, who, at least, ought to be friendly to our government, and willing to support it in times of difficulty and danger. So abundant is domestic capital, that competition, in subscribing for the stock of local banks, has recently led almost to riots. To a bank, exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for two hundred millions of dollars could be readily obtained. Instead of sending abroad the stock of the bank, in which the government must deposite its funds, and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank, that its constitutionality, in all its features, ought to be considered as settled by precedent, and by the decision of the supreme court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiescence of the people and the states can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the states, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as four to one. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor to the act before me.

If the opinion of the supreme court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this government. The Congress, the executive, and the court, must each for itself be guided by its own opinion of the constitution. Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the house of representatives, of the senate, and of the president, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point, the president is independent of both. The authority of the supreme court must not, therefore, be permitted to control the Congress or the executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon, the supreme court have not decided that all the features of this corporation are compatible with the constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress. But, taking into view the whole opinion of the court, and the reasoning by which they have come to

that conclusion, I understand them to have decided that, inasmuch as a bank is an appropriate means of carrying into effect the enumerated powers of the general government, therefore the law incorporating it is in accordance with that provision of the constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*," in the constitution, means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the government's "fiscal operations," they conclude that "to use one must be within the discretion of Congress," and that "the act to incorporate the bank of the United States" is a law made in pursuance of the constitution; "but," say they, "where the law is not prohibited, and is really calculated to effect any of the objects intrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground."

The principle here affirmed is, that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional; but it is the province of the legislature to determine whether this or that particular power, privilege, or exemption, "is necessary and proper" to enable the bank to discharge its duties to the government; and from their decision there is no appeal to the courts of justice. Under the decision of the supreme court, therefore, it is the exclusive province of Congress and the president to decide whether the particular features of this act are *necessary*, and *proper*, in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional; or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the supreme court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it, can not be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the constitution.

The original act of corporation, section twenty-first, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged, *provided*, Congress may renew existing charters for banks within the District of Columbia, not increasing the capital thereof, and may also establish any other bank or banks in said district, with capitals not exceeding, in the whole, six millions of dollars, if they shall deem it expedient." This provision is continued in force by the act before me, fifteen years from the third of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one, if in their opinion, two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the constitution. If they possess the power to establish a second bank, it was a power derived from the constitution, to be exercised from time to time, and at any time when the interests of the country, or the emergencies of the government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away

from their successors for twenty years, and the Congress of 1832 propose to abolish it for fifteen years more. It can not be "*necessary*" or "*proper*" for Congress to barter away, or divest themselves of any of the powers vested in them by the constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may "*properly*" use the discretion vested in them; but they may not limit the discretion of their successors. This restriction on themselves, and grant of a monopoly to the bank, is therefore unconstitutional.

In another point of view, this provision is a palpable attempt to amend the constitution by an act of legislation. The constitution declares that "the Congress shall have power to exercise exclusive legislation, in all cases whatsoever," over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia, and increase their capital at will, is unlimited and uncontrollable by any other power than that which gave authority to the constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding in the whole six millions of dollars. The constitution declares that Congress *shall* have power to exercise exclusive legislation over this district "*in all cases whatsoever*;" and this act declares they shall not. Which is the supreme law of the land? This provision can not be "*necessary*," or "*proper*," or "*constitutional*," unless the absurdity be admitted, that, whenever it be "necessary and proper," in the opinion of Congress, they have a right to barter away one portion of the powers vested in them by the constitution, as a means of executing the rest.

On two subjects only does the constitution recognise in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

Out of this express delegation of power, have grown our laws of patents and copyrights. As the constitution expressly delegates to Congress the power to grant exclusive privileges, in these cases, as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction, to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of congressional power, there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the constitution. Every act of Congress, therefore, which attempts, by grants of monopolies, or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is equivalent to a legislative amendment of the constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners, and grants them an exemption from all state and national taxation. So far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the government in its fiscal operations, it is calculated to convert the bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the republic, and, in war, to endanger our independence.

The several states reserved the power, at the formation of the constitution

to regulate and control titles and transfers of real property; and most, if not all of them, have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the states to prescribe such qualifications, gives to aliens, stockholders in this bank, an interest and title as members of the corporation, to all the real property it may acquire within any of the states of this Union. This privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is virtually subversive of the rights of the states.

The government of the United States have no constitutional power to purchase lands within the states, except "for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;" and even for these objects, only "by the consent of the legislature of the state in which the same shall be." By making themselves stockholders in the bank, and granting to the corporation the power to purchase lands for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safekeeping, or transmission of the funds of the government, that the bank should possess this power; and it is not *proper* that Congress should thus enlarge the powers delegated to them in the constitution.

The old bank of the United States possessed a capital of only eleven millions of dollars, which was found fully sufficient to enable it, with despatch and safety, to perform all the functions required of it by the government. The capital of the present bank is thirty-five millions of dollars, at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank, and on the establishment of the new, has been nearly paid off, and our revenue will soon be reduced. This increase of capital is, therefore, not for public but for private purposes.

The government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary*." It can not, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases, to perform the public service, without consulting the government, and contrary to its will. The principle laid down by the supreme court concedes that Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the general government. By the same principle, a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any state, without the injunction or request of the government, and for other than public purposes, is not "*necessary*" to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession, upon the face of the act, that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter, and that of three millions proposed by this act, are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place, within the United States or the territories thereof, and for distributing the same in payment of the public creditors, without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original

act declares, that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid." It is, therefore, for "exclusive privileges and benefits," conferred for their own use and emolument, and not for the advantage of the government, that a bonus is exacted. These surplus powers, for which the bank is required to pay, can not surely be "*necessary*" to make it the fiscal agent of the treasury. If they were, the exaction of a bonus for them would not be "*proper*."

It is maintained by some that the bank is a means of executing the constitutional power "to coin money, and regulate the value thereof." Congress have established a mint to coin money, and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt, are the only currency known to the constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the constitution is a dead letter. It is neither necessary nor proper to transfer its legislative powers to such a bank, and therefore unconstitutional.

By its silence, considered in connexion with the decision of the supreme court, in the case of McCulloch against the state of Maryland, this act takes from the states the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against federal encroachments. Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen, and every company of citizens, in all of our states, possessed the right, until the state legislatures deemed it good policy to prohibit private banking by law. If the prohibitory state laws were now repealed, every citizen would again possess the right. The state banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the state legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to state taxation. The manner in which these taxes shall be laid, depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the constitution the states guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other subject within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States' officers, are liable to a poll tax by the states within which they reside. The lands of the United States are liable to the usual land tax, except in the new states, from whom agreements, that they will not tax unsold lands, are exacted when they are admitted into the Union: horses, wagons, any beasts or vehicles, tools or property belonging to private citizens, though employed in the service of the United States, are subject to state taxation. Every private business, whether carried on by an officer of th

general government or not, whether it be mixed with public concerns or not, even if it be carried on by the government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the state. Nothing comes more fully within it than banks, and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter, it is just as absolute unlimited, and uncontrollable, as if the constitution had never been adopted, because, in the formation of that instrument, it was reserved without qualification.

The principle is conceded that the states can not rightfully tax the operations of the general government. They can not tax the money of the government deposited in the state banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the general government, would exempt the state banks and their ordinary business from state taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the bank of the United States, and their usual banking operations, to be exempted from taxation? It is not their public agency or the deposites of the government which the states claim a right to tax, but their banks and their banking powers, instituted and exercised within state jurisdiction for their private emolument, those powers and privileges for which they pay a bonus, and which the states tax in their own banks. The exercise of these powers within a state, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the states, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of state taxation. From this and like sources, from the persons, property, and business, that are found residing, located, or carried on under their jurisdiction, must the states, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the states ought more pertinaciously to cling.

It can not be *necessary* to the character of the bank as a fiscal agent of the government, that its private business should be exempted from that taxation to which all the state banks are liable; nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the states shall be thus attacked and annihilated as a means of executing the powers delegated to the general government. It may be safely assumed that none of those sages who had an agency in forming or adopting our constitution, ever imagined that any portion of the taxing power of the states, not prohibited to them nor delegated to Congress, was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the supreme court will not call in question the constitutionality of an act of Congress, the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the government," although, as in the case before me, it takes away powers expressly granted to Congress, and rights scrupulously reserved to the states, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the states may be indirectly legislated away in the use of means to execute

substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States, that, as a means of executing other powers, it shall not be exercised for twenty years or for ever. We may not pass an act prohibiting the states to tax the banking business carried on within their limits; but we may, as a means of executing our powers over other objects, place that business in the hands of our agents, and then declare it exempt from state taxation in their hands. Thus may our own powers and the rights of the states, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the states, I do not entertain a doubt. Had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it was obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy. A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the capital the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances, the bank comes forward and asks a renewal of its charter for a term of fifteen years, upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicions are entertained, and charges are made, of gross abuse and violation of its charter. An investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, disclosed enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made, and as yet wholly uninvestigated, there was enough to induce a majority of the committee of investigation, a committee which was selected from the most able and honorable members of the house of representatives, to recommend a suspension of further action upon the bill, and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity, and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so, there seems to be an additional reason why the functionaries of the government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branches of the government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action, nor upon the provisions of this act, was the executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers, and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influences

whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me, there seems to be a wide and unnecessary departure from these just principles.

Nor is our government to be maintained, or our Union preserved, by invasions of the rights and powers of the several states. In thus attempting to make our general government strong, we make it weak. Its true strength consist in leaving individuals and states as much as possible to themselves ; in making itself felt, not in its power, but in its beneficence, not in its control, but in its protection, not in binding the states more closely to the centre, but leaving each to move unobstructed, in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion, which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the revolution and the fathers of our Union. If we can not at once, in justice to interests vested under improvident legislation, make our government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy ; if not, I shall find in the motives which impel me, ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance, let us firmly rely on that kind Providence which, I am sure, watches with

peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through his abundant goodness, and their patriotic devotion, our liberty and Union will be preserved.

FOURTH ANNUAL MESSAGE.

DECEMBER 4, 1832.

Fellow-Citizens of the Senate and House of Representatives:—

IT gives me pleasure to congratulate you upon your return to the seat of government, for the purpose of discharging your duties to the people to the United States. Although the pestilence which had traversed the Old World has entered our limits, and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity, and lessen the number of victims, compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents on every side marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and with hearts of thankfulness to that Divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that Union which we have received from our fathers, and which constitute the sources and the shield of our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce, and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation, and the extension of our mercantile operations. The returns which have made out since we last met, will show an increase, during the last preceding year, of more than 80,000 tons in our shipping, and of near forty millions of dollars in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered father of his country on this subject, condensed into a maxim for the use of posterity, by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world, and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful per-

formance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence, the most friendly relations have subsisted through the late revolutions of its government; and from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain, I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have on my part on all proper occasions been promptly and sincerely reciprocated. The attention of that government has latterly been so much engrossed by matters of a deeply interesting domestic character, that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions, and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message, I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States, before the sovereign who had been chosen by my predecessor to determine the question; and also the manner in which he disposed of it. A special message to the senate, in their executive capacity, afterward brought before them the question, whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory, and advised me to open a further negotiation, the proposition was immediately made to the British government; but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place it was discovered that some of these demands, however strong they might be upon the equity of that government, were not such as could be made the subject of national interference. And, faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay

in procuring the documents necessary for this review of the merits of these claims, retarded this operation, until an unfortunate malady which has afflicted his catholic majesty, prevented an examination of them. Being now for the first time presented in an unexceptionable form, it is confidently hoped the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to the Havana, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the secretary of state, communicated to you on the 25th of June last, you were informed of the conditional reduction obtained by the minister of the United States, at Madrid, of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part, by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties, in the continental ports of Spain, than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira, have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three instalments. The first of these has been paid; the second, although due, had not, at the date of our last advices, been received, owing, it was alleged, to embarrassments in the finances, consequent on the civil war in which the nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that, by the last advices from our chargé d'affaires at Naples, that government had still delayed the satisfaction due to our citizens; but, at that date, the effect of the last instructions was not known. Despatches from thence are hourly expected and the result will be communicated to you without delay.

With the rest of Europe our relations, political and commercial, remain unchanged. Negotiations are going on, to put on a permanent basis the liberal system of commerce now carried on between us and the empire of Russia. The treaty concluded with Austria is executed by his imperial majesty with the most perfect good faith; and as we have no diplomatic agent at his court, he personally inquired into, and corrected a proceeding of some of his subaltern officers, to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities, and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed; but, on the representation of our chargé d'affaires, it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black sea, and of all the ports belonging to the Turkish empire and Asia, on the most perfect equality with all foreign nations.

I wish earnestly that, in announcing to you the continuance of friendship, and the increase of a profitable commercial intercourse with Mexico, with Central America, and the states of the south, I could accompany it with the assurance that they all are blessed with that internal tranquillity, and

foreign peace, which their heroic devotion to the cause of their independence merits. In Mexico, a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce; but both parties profess the most friendly disposition toward us. To the termination of this contest, we look for the establishment of that secure intercourse, so necessary to nations whose territories are contiguous. How important it will be to us, we may calculate from the fact that, even in this unfavorable state of things, our maritime commerce has increased, and an internal trade, by caravans, from St. Louis to Santa Fé, under the protection of escorts furnished by the government, is carried on to great advantage, and is daily increasing. The agents provided for by the treaty with this power, to designate the boundaries which is established, have been named on our part; but one of the evils of the civil war now raging there, has been, that the appointment of those with whom they were to co-operate has not yet been announced to us.

The government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition toward us, which has on more than one occasion been evinced by this interesting country, I made a second attempt in this year to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose, has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three states which formed the republic of Colombia has been dissolved, but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation, continues in that character near the government of New Granada; and hopes were entertained that a new union would be formed between the separate states, at least for the purposes of foreign intercourse. Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations, naturally attendant on an infant reign, have prevailed in the empire of Brazil, which have had the usual effect upon commercial operations; and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice, than duty to our fellow-citizens would, under other circumstances, have required. But their claims are not neglected, and will, on all proper occasions, be urged, and, it is hoped, with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message, was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the republic of Chili, which, if approved by the senate, will be laid before you. That government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships, which are employed in the highly important trade of the fisheries, this commercial convention can not but be of great advantage to our fellow-citizens engaged in that perilous but profitable business.

Our commerce with the neighboring state of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline

and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia, we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer, until a more favorable period, the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was despatched with orders to demand satisfaction for the injury, if those who committed it should be found members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed, and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas, and additional security for our commerce.

In the view I have given of our connexions with foreign powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded, to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the secretary of the treasury will in due time lay before you, will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfil their engagements with the government, the receipts from customs during the year will exceed the estimate presented at the last session; and with the other means of the treasury, will prove fully adequate, not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the treasury, during the present year, upward of twenty-eight millions of dollars. The public lands, however, have proved less productive than was anticipated; and according to present information will fall short of two millions. The expenditures for all objects other than the public debt, are estimated to amount, during the year, to about sixteen millions of dollars, while a still larger sum, viz., eighteen millions of dollars, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty, which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from the customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the first of January next, the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of seven millions of dollars; of which two millions two hundred and twenty-seven thousand three hundred and sixty-three dollars are not of right redeemable until the first of January, 1834, and four millions seven hundred and thirty-five thousand two hundred and

ninety-six dollars, not until the second of January, 1835. The commissioners of the sinking fund, however, being invested with full authority to purchase the debt at the market price, and the means of the treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public treasury. Within the four years for which the people have confided the executive power to my charge, fifty-eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects, will be seen by referring to the liberal provision made, during the same period, for the support and increase of our means of maritime and military defence, for internal improvements of a national character, for the removal and preservation of the Indians, and lastly, for the gallant veterans of the revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defence, which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the secretary of the treasury, it will be seen that, after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object, as may remove those burthens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them upon the attention of the legislature. The soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the government, and necessary to an efficient public service. In effecting this adjustment, it is due in justice to the interests of the different states, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture, essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the government, and to the preservation of the large capital invested in establishments of domestic industry, will permit.

That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is, perhaps, no American citizen who would not, for a while, be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition, below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union.

What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments can not expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture, which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object, we have already seen the operation of the system productive of discontent. In some sections of the republic, its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependance and vice, which in other countries have characterized the existence of monopolies, and proved so destructive of liberty and the general good. A large portion of the people, in one section of the republic, declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless these effects are, in a great degree, exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are, nevertheless, important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state, that in one quarter of the United States, opposition to the revenue laws has arisen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the general government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers, and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed

that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice of it will be given to Congress, with a suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the general government to that simple machine which the constitution created, and of withdrawing from the states all other influence than that of its universal beneficence in preserving peace, affording a uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the general or state governments, and placing the proceeds in the treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the states, they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the bank of the United States with a portion of the holders of the three per cent. stock, by which the government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the secretary of the treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the secretary of the treasury have been taken, to enable him to judge whether the public deposites in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution, it was recommended by Congress that a portion of the waste lands owned by the states should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the states of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet harmony, and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It can not be doubted that the speedy settlement of these lands consti-

tutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty.

In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new states, and the powers of the general government; and unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the states than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the national legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the states, and that the right of soil and the future disposition of it, be surrendered to the states, respectively, in which it lies.

The adventurous and hardy population of the west, besides contributing their equal share of taxation under our impost system, have, in the progress of our government, for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars, and, of the revenue received therefrom, but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among states which had not originally any claim to them, and which had enjoyed the undivided emolument arising from the sale of their own lands, it can not be expected that the new states will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this course, to put an end for ever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction that the constitution does not warrant the application of the funds of the general government to objects of internal improvement which are not national in their

character, and both as a means of doing justice to all interests, and putting an end to a course of legislation calculated to destroy the purity of the government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress, of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the constitution can not be devised, which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment: and that there is, therefore, no excuse for the assumption of doubtful powers by the general government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three fourths of the states, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one fourth of the states are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limits I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the states such an amendment of the constitution as will define its character, and prescribe its bounds. If the states feel themselves competent to these objects, why should this government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both governments are the governments of the people: improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the state governments, it will unquestionably be safer and better for the people, than to add to the splendor, the patronage, and the power of the general government. But if the people of the states think otherwise, they will amend the constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the war department, I refer you to the accompanying report of the secretary of war.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the state of Illinois, were called into the field. After a harassing warfare, prolonged by the nature of the country, and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions; and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the army, and its capacity for prompt and active service. Its several departments have performed their functions with energy and despatch, and the general movement was satisfactory.

Our fellow-citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia is essential to that security which is one of the principal objects of all governments. Neither our situation, nor our institutions, require or permit the maintenance of a large regular force. History offers too many lessons of the fatal results of such a measure, not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it, because it exists, and thus to engage in unnecessary wars, and its ultimate danger to public liberty, will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the republic. If, in asserting rights, or in repelling wrongs, war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small army is a nucleus around which such force could be formed and embodied. But for the purposes of defence, under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the government was instituted and is supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted, under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification, remedying these defects, and providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The constitution has vested in the general government an independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defence requires your attention.

I am happy to inform you, that the wise and humane policy of transferring from the eastern to the western side of the Mississippi, the remnants of our aboriginal tribes, with their own consent, and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the secretary of war, and to the documents submitted with it, you will see the progress which has been made, since your last session, in the arrangement of the various matters connected with our Indian relations. With one exception, every subject involving any question of conflicting jurisdiction, or of peculiar difficulty, has been hap-

pily disposed of; and the conviction evidently gains ground among the Indians, that their removal to the country assigned by the United States for their permanent residence, furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the state of Georgia, it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint, and to bring to a termination the difficulties in which they are involved, that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They can not but have seen in these offers, the evidence of the strongest disposition on the part of the government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the senate, in February, 1830.

I refer you to the annual report of the secretary of the navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our navy, presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas, without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels, and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions, contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention; but none more so than that urging the renewal, for another term of six years, of the general appropriation for the gradual improvement of the navy.

From the accompanying report of the postmaster-general, you will also perceive that that department continues to extend its usefulness, without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the president and vice-president of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views, and with the belief that the modifications suggested on those subjects, if adopted, will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the district of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and, according to the decision of the court for this district, the prosecution is barred by the lapse of two years after the fraud has been committed. It may hap-

pen again, as it has already happened, that, during the whole two years, all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine western and southwestern states, three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee, are embraced in the general system; but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new states were promised equal rights and privileges when they came into the Union, and such are the guaranties of the constitution. Nothing can be more obvious than the obligation of the general government to place all the states on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication, it is a source of gratification to reflect, that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests, we may consider ourselves as just starting in our career, and, after a salutary experience, about to fix upon a permanent basis the policy best calculated to promote the happiness of the people, and facilitate their progress toward the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations, and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this government may be so administered, as to preserve its efficiency in promoting and securing these general objects, should be the only aim of our ambition, and we can not, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves, or have preferred to assign to other agents. We should bear constantly in mind the fact, that the considerations which induced the framers of the constitution to withhold from the general government the power to regulate the great mass of the business and concerns of the people have been fully justified by experience; and that it can not now be doubted, that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed on us by the constitution.

Limited to a general superintending power, to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, this government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the state sovereignties, will work out improvements and ameliorations, which can not fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and economical as

scarcely to be felt. That the Almighty Ruler of the universe may so direct our deliberations, and overrule our acts, as to make us instrumental in securing a result so dear to mankind, is my most earnest and sincere prayer.

SPECIAL MESSAGE.

DECEMBER 6, 1832.

To the House of Representatives :—

IN addition to the general views I have heretofore expressed to Congress, on the subject of internal improvement, it is my duty to advert to it again, in stating my objections to the bill entitled, "An act for the improvement of certain harbors, and the navigation of certain rivers," which was not received a sufficient time before the close of the last session, to enable me to examine it before the adjournment.

Having maturely considered that bill, within the time allowed me by the constitution, and being convinced that some of its provisions conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has, therefore, failed to become a law.

To facilitate, as far as I can, the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the engineer department, distinguishing, as far as the information within its possession would enable it, between those appropriations which do, and those which do not, conflict with the rules by which my conduct in this respect has hitherto been governed. By that report, it will be seen, that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connexion with the usual establishments for the security of commerce, external or internal. It is obvious, that such appropriations involve the sanction of a principle that concedes to the general government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them, without receding from the positions taken in my veto of the Maysville road bill, and, afterward, in my annual message of December 19, 1830.

It is to be regretted, that the rules by which the classification of the improvements in this bill has been made by the engineer department are not more definite and certain, and that embarrassments may not always be avoided by the observance of them; but, as neither my own reflection, nor the lights derived from other sources, have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the power with which I am invested, to avoid evils, and to effect the greatest attainable good for our common country, I feel that I may trust to your cordial cooperation; and the experience of the past, leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of lighthouses, beacons, buoys, public piers, and the removal of sandbars, sawyers, and other temporary or partial impediments

in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated, that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the government may select, and losing sight of the distinctions between national and local character, which, I had stated, would be my future guide on the subject, I should have cheerfully signed the bill.

PROCLAMATION.

DECEMBER 11, 1832.

WHEREAS, a convention, assembled in the state of South Carolina, have passed an ordinance, by which they declare, "That the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially," two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that state, or its officers: and by the said ordinance, it is further declared to be unlawful for any of the constituted authorities of the state, or of the United States, to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance:

And whereas, by the said ordinance, it is further ordained, that, in no case of law or equity, decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the supreme court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court:

And finally, the said ordinance declares, that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by Congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do:

And whereas the said ordinance prescribes to the people of South Car-

olina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the Union—that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, ANDREW JACKSON, *president of the United States*, have thought proper to issue this my PROCLAMATION, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be invested, for preserving the peace of the Union and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition, to South Carolina and the nation, of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured; but on the strange position that any one state may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the constitution; that the true construction of that instrument permits a state to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add that, to justify this abrogation of a law, it must be palpably contrary to the constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reasons alleged by the state, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a state more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the states. There is no appeal from the state decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor.

But reasoning on this subject is superfluous when our social compact in express terms declares, that the laws of the United States, its constitution and treaties made under it, are the supreme law of the land—and for greater caution adds, "that the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding." And it may be asserted, without fear of refutation, that no federative government could exist without a similar provision. Look for a moment to the consequences. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere; for all impost must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the state itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the eastern states, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of those states discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the states who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved for the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that state will unfortunately fall the evils of reducing it to practice.

If the doctrine of a state veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the declaration of independence, we were known, in our aggregate character, as THE UNITED COLONIES OF AMERICA. That decisive and important step was aken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our confederation were reduced to form, it was in that of a solemn league of several states, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that "every state shall abide by the determination of Congress, on all questions which by that confederation shall be submitted to them."

Under the confederation, then, no state could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was

made to enforce these decisions. Congress made requisitions, but they were not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is "*to form a more perfect Union.*" Now, is it possible that even if there were no express provisions giving supremacy to the constitution and laws of the United States over those of the states—can it be conceived that an instrument made for the purpose of "*forming a more perfect Union*" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a state, or of a prevailing faction in a state? Every man of plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one state, *incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds; It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional;—that the operation of these laws is unequal;—that the amount raised by them is greater than is required by the wants of the government;—and, finally, that the proceeds are to be applied to objects unauthorized by the constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the constitution, to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed? in how many cases are they concealed by false professions? in how many is no declaration of motive made? Admit this doctrine, and you give to the states an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that

a state may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any state for that cause, then indeed is the federal constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet-anchor of our safety in the stormy times of conflict with a foreign or domestic foe. We have looked on it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the states deliberately ratify, such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault; its language directly contradicts the imputation; its spirit—its evident intent contradicts it. No, we do not err! Our constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages whose memory will always be reverenced have given us a practical, and, as they hoped, a permanent constitutional compact. The father of his country did not affix his revered name to so palpable an absurdity. Nor did the states, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by application. Search the debates in all their conventions—examine the speeches of the most zealous opposers of federal authority—look at the amendments that were proposed; they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the states, or to show that implication, as is now contended, could defeat it. No, we have not erred! The constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of state prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed.

The constitution has given expressly to Congress the right of raising revenue and of determining the sum the public exigencies will require. The states have no control over the exercise of this right, other than that which results from the power of changing the representatives who abuse it,

and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The constitution has given it to the representatives of all the people, checked by the representatives of the states and by the executive power. The South Carolina construction gives it to the legislature or the convention of a single state, where neither the people of the different states, nor the states in their separate capacity, nor the chief magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the states, or would you sanction the wise provisions already made by your constitution? If this should be the result of your deliberations, when providing for the future, are you—can you—be ready to risk all that we hold dear, to establish, for a temporary and local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different states, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the states, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the laws so applying the proceeds, but surely can not be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each state has a right to oppose their execution—two rights directly opposed to each other—and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and general government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that constitution shall be the "supreme law of the land, and that the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding." In vain have the people of the several states solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were

called on to execute any office. Vain provision! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one state may, on a real or supposed knowledge of the intent in which a law has been passed, declare themselves free from its operations; say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed—there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve—in that, the amount raised is more than is wanted.

Congress, it is true, are invested by the constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the states, and of all the people of all the states; but WE, part of the people of one state, to whom the constitution has given no power on the subject, from whom it is expressly taken away —WE, who have solemnly agreed that this constitution slall be our law— WE, most of whom have sworn to support it—WE now abrogate this law, and swear, and force others to swear, that it shall not be obeyed. And we do this, not because Congress have no right to pass such laws—this we do not allege—but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know—from their unequal operation, although it is impossible, from the nature of things, that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the constitution, and treaties, shall be paramount to the state constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States, by appeal, when a state tribunal shall decide against this provision of the constitution. The ordinance declares there shall be no appeal, makes the state law paramount to the constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that state, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single state. Here is a provision of the constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings, the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the constitution, which they say is a compact between sovereign states who have preserved their whole sovereignty, and therefore are subject to no superior; that because they made the compact, they can break it, when in their opinion

it has been departed from by the other states. Fallacious as this course of reasoning is, it enlists state pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

The people of the United States formed the constitution, acting through the state legislatures in making the compact to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the states collectively are represented. We are ONE PEOPLE in the choice of the president and vice-president. Here the states have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of the states may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the states, are represented in the executive branch.

In the house of representatives there is this difference, that the people of one state do not, as in the case of president and vice-president, all vote for the same officers. The people of all the states do not vote for all the members, each state electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular state from which they come. They are paid by the United States, not by the state, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may, in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The constitution of the United States, then, forms a government, not a league, and whether it be formed by compact between the states, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the states—they retained all the power they did not grant. But each state having expressly parted with so many powers, as to constitute, jointly with the other states, a single nation, can not, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any state may at pleasure secede from the Union, is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact, that they can not. A compact is an agreement or binding obligation. It may, by its terms, have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be

broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior, it can not be enforced. A government, on the contrary, always has a sanction, express or implied, and, in our case, it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a government is an offence, by whatever means the constitutional compact may have been formed; and such government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed, by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and, under this grant, provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that Union which connects us; but, as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the states than the magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation; but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts, in some cases, of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the states, and of their having formed, in this sovereign capacity, a compact, which is called the constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The states severally have not retained their entire sovereignty. It has been shown that, in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The states, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the government of the United States; they became American citizens, and owed obedience to the constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and can not be denied. How, then, can that state be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows, conclusively, that the states can not be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the states are not

less sacred, because they have, for their common interest, made the general government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal government we had no separate character; our opposition to its oppressions began as *United Colonies*. We were the *United States* under the confederation, and the name was perpetuated, and the union rendered more perfect, by the federal constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes, and with defined powers, created national governments—how is it, that the most perfect of those several modes of union should now be considered as a mere league, that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our constitution was only a league, but it is labored to prove it a compact (which, in one sense, it is), and then to argue that, as a league is a compact, every compact between nations must, of course, be a league, and that, from such an engagement, every sovereign power has a right to recede. But it has been shown, that in this sense the states are not sovereign, and that, even if they were, and the national constitution had been formed by compact, there would be no right in any one state to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the states who magnanimously surrendered their title to the territories of the west, recall the grant? Will the inhabitants of the inland states agree to pay the duties that may be imposed without their assent by those on the Atlantic or the gulf, for their own benefit? Shall there be a free port in one state and onerous duties in another? No one believes that any right exists in a single state to involve all the others in these and countless other evils, contrary to engagements solemnly made. Every one must see that the other states, in self-defence, must oppose it at all hazards.

These are the alternatives that are presented by the convention: a repeal of all the acts for raising revenue, leaving the government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition: and yet if this is not done in a given day, or if any attempt is made to execute the laws, the state is, by the ordinance, declared to be out of the Union. The majority of a convention assembled for the purpose, have dictated these terms, or rather its rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the state speaks of the submission of their grievances to a convention of all the states; which he says they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other states on

the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the state on to this destructive measure. The state might have proposed the call for a general convention to the other states: and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the general government of the merits of the controversy," such a convention will be accorded to them, must have known that neither Congress nor any functionary of the general government has authority to call such a convention, unless it be demanded by two thirds of the states. This suggestion, then, is another instance of the reckless inattention to the provision of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one state in the Union have elected delegates to a state convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that state has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the state. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended; and it is the intent of this instrument to PROCLAIM not only that the duty imposed on me by the constitution to "take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and intrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention—to exhort those who have refused to support it to persevere in their determination to uphold the constitution and the laws of their country—and to point out to all, the perilous situation into which the good people of that state have been led—and that the course they are urged to pursue is one of ruin and disgrace to the very state whose right they affect to support.

Fellow-citizens of my native state!—let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over-production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submis-

sion to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union, and bear none of its burdens. Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back at the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive—it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow-citizens, that, by the admission of your leaders, the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable* in the sense in which it is here used?—that which is apparent to every one, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty emulating the fame of our revolutionary fathers, nor are you an oppressed people contending, as they repeat to you, against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed, but that inequality must necessarily be removed. At the very moment when you were madly urged on the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general comsumption in your state. The importance of this change was understood, and you were authoritatively told that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change, in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the conse-

quences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part!—consider its government uniting in one bond of common interest and general protection so many different states—giving to all their inhabitants the proud title of American citizens—protecting their commerce—securing their literature and their arts—facilitating their intercommunication—defending their frontiers—and making their names respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, humanity, and general information, into every cottage in this wide extent of our territories and states! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, WE, TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud states; her arms have defended—her best blood has cemented this happy Union! And then add, if you can, without horror and remorse, this happy Union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard. And for what, mistaken men! for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from the apprehension of civil discord, will all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you can not succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion: but be not deceived by names: disunion, by armed force, is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor, but on yours may fall the punishment—on your unhappy state will inevitably fall all the evils of the conflict you force upon the government of your country. It can not accede to the mad project of disunion, of which you would be the first victims—its first magistrate can not, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow-citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to

support which so many of them fought and bled and died. I adjure you, as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your state the disorganizing edict of its convention—bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor—tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star-spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country! Its destroyers you can not be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States! The threat of unhallowed disunion, the names of those (once respected) by whom it was uttered, the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a state to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions, in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the Union by all constitutional means—to arrest, if possible, by moderate, but firm measures, the necessity of a recourse to force: and in it be the will of Heaven, that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens! the momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt, that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage, which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant, that the signal blessings with which he has favored ours may not, by the madness of party, or personal ambition, be disregarded and lost: and may his wise providence bring those who have produced this crisis to see the folly, before they feel the misery of civil strife: and inspire a returning veneration for that Union which, if we may dare to penetrate his designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

NULLIFICATION MESSAGE.

JANUARY 16, 1833.

Fellow-Citizens of the Senate and House of Representatives:—

IN my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened, not merely to thwart their execution, but to endanger the integrity of the Union. And although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States, and the patriotism of the people, I stated that, should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Although unknown to me at the date of the annual message, the convention which assembled at Columbia, in the state of South Carolina, passed, on the 24th of November last, an ordinance declaring certain acts of Congress therein mentioned within the limits of that state to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect, from and after the 1st of February next. A copy of that ordinance has been officially transmitted to me by the governor of South Carolina, and is now communicated to Congress.

The consequences to which this extraordinary defiance of the just authority of the government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency. The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the executive had determined to submit to Congress, and a hope was indulged that, by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 11th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina, which I now lay before you, and which have all and each of them finally passed, after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that state.

Up to this period, neither the recommendation of the executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union, appears to have produced any relaxation in the measures of opposition adopted by the state of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the legislature ; and it will be perceived that the interval before the first of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the state authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina, has openly defied the authority of the executive of the Union, and general orders from the headquarters of the state announced his determination to accept the services of volunteers, and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to " hold themselves in readiness to take the field at a moment's warning ;" and in the city of Charleston, within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus, South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from measures of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection, and the influence of public opinion, from the commission of actual outrage. In the present instance, aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina, fully to carry into effect their ordinance and laws after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit, shall be seasonably provided ; and that it may be thereby understood that, while the government is disposed to remove all just cause of complaint, as far as may be practicable, consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper, not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the constitution requires me to make in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable that the secretary of the treasury should particularly instruct the officers of the United States in that part of the Union, as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that state, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet performance of them in the

emergency then apprehended. I herewith transmit copies of these instructions and of the letter addressed to the district-attorney, requesting his co-operation.

These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the constitution, and without resorting, in any event, to force or violence, the measures of its advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead; but, it certainly was not foreseen that the meditated obstruction to the laws would soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of that state, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains "that the several acts, and parts of acts, of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States;' and more especially, 'An act in alteration of the several acts imposing duties on imports,' approved on the 19th of May, 1828; and also an act entitled, 'An act to alter and amend the several acts imposing duties on imports,' approved on the 14th of July, 1832, are unauthorized by the constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the state of South Carolina, its officers, and citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void."

It also ordains, "that it shall not be lawful for any of the constituted authorities, whether of the state of South Carolina, or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the state, but that it shall be the duty of the legislature to adopt such measures, and pass such acts, as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts, and parts of acts of the Congress of the United States, within the limits of the state, from and after the first of February next; and it shall be the duty of all other constituted authorities, and of all persons residing or being within the limits of the state, that they are hereby required and enjoined to obey and give effect to this ordinance, and such acts and measures of the legislature as may be passed or adopted in obedience thereto."

It further ordains, "that in no case of law or equity, decided in the courts of the state, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the supreme court of the United States, nor shall any copy of

the record be permitted or allowed for that purpose ; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honor, profit, or trust, civil or military, under the states, shall, within such time, and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce, this ordinance, and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same ; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned ; and no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office, or be, in any respect, competent to discharge the duties thereof, until he shall in like manner have taken a similar oath ; and no juror shall be empannelled in any of the courts of the state, on any cause in which shall be in question this ordinance, or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to his usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes : "And we, the people of South Carolina, to the end that it may be fully understood by the government of the United States, and the people of the co-states, that we are determined to maintain this ordinance and declaration at every hazard, do further declare, that we will not submit to the application of force on the part of the federal government to reduce this state to obedience ; but that we will consider the passage by Congress, of any act authorizing the employment of a military or naval force against the state of South Carolina, her constituted authorities, or citizens, or any act abolishing or closing the ports of this state, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports ; or any other act on the part of the federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union ; and that the people of this state will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that state, which manifest a determination to render inevitable a resort to those measures of self-defence which the paramount duty of the federal government requires ; but upon the adoption of which, that state will proceed to execute the purpose it has avowed in this ordinance, of withdrawing from the Union.

On the 27th of November, the legislature assembled at Columbia, and, on their meeting, the governor laid before them the ordinance of the convention. In his message on that occasion, he acquaints them that "this

ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty, as a member of this confederacy, and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the general government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest, is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this state, their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect, within our limits, the duties imposed by the protective tariffs thus nullified." He proceeds: "That you should arm every citizen with a civil process, by which he may claim, if he pleases, a restitution of his goods, seized under existing imposts, on his giving security to abide the issue of a suit at law, and, at the same time, define what shall constitute treason against the state, and, by a bill of pains and penalties, compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen, unless the United States shall passively surrender their authority, and the executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept, for the defence of Charleston and its dependencies, the services of two thousand volunteers, either by companies or files;" and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field, and heavy artillery; and that they be "armed and equipped, from the public arsenals, completely for the field; and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized to accept "the services of ten thousand volunteers from the other divisions of the state, to be organized and arranged in regiments and brigades; the officers to be selected by the commander-in-chief; and that his whole force be called the state guard."

A request has been regularly made of the secretary of state of South Carolina, for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance; but, up to the date of the latest advices, that request had not been complied with; and, on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of that state.

The acts to which it is deemed proper to invite the particular attention of Congress are—

1st. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this state, at Columbia, on the 24th November, 1832.

This act provides, that any goods seized or detained, under pretence of securing the duties, or for the non-payment of duties, or under any process, order, or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee, by "an act of replevin." That in case of refusing to deliver them, or removing them so that the replevin can not be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods; and if any attempts shall be made to retake or seize them, it is the duty of the sheriff to recapture them. And that any person who shall disobey the process, or remove the goods, or any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non-payment of duties, or under any process or decree, contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any federal court for duties, shall be entitled to the benefit secured by the habeas corpus act of the state in cases of unlawful arrest, and maintain an action for damages; and that, if any estate shall be sold under such judgment or decree, the sale shall be held illegal. It also provides, that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail, to receive such person, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called, "An act to provide for the security and protection of the people of the state of South Carolina."

This act provides, that if the government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the state of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same, and to order into service the whole or so much of the military force of the state as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the state, or the occurrence of any circumstances indicating that armed force is about to be employed against the state, or in resistance to its laws, the governor is authorized to accept the services of such volunteers, and call into service such portions of the militia, as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all free white males between the ages of sixteen and sixty, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the state shall be opposed, and the execution thereof forcibly resisted, by combinations too powerful to be suppressed by the power vested in sheriffs and other civil officers; and declares it to be the duty of the governor, in every such case, to call forth

such portions of the militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the said state to be executed.

3d, Is "an act concerning the oath required by the ordinance passed in convention at Columbia, on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the state, civil, judicial, and military.

It is believed that other acts have been passed, embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander-in-chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures can not be defeated and overcome by the powers conferred by the constitution on the federal government, the constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the government of the Union. They not only abrogate the acts of Congress, commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act, imposing any amount whatever of duty on any foreign merchandise; and, virtually, every existing act which has ever been passed, authorizing the collection of the revenue, including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are hereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the government is absolutely prohibited from collecting any part of the public revenue within the limits of that state. Henceforth, not only the citizens of South Carolina, and of the United States, but the subjects of foreign states may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That state is thus relieved from the payment of any part of the public burdens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that state over those of all the other states of the Union, in manifest violation of the positive provisions of the constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of

revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States, by the convention of South Carolina, after announcing the "fixed and final determination of the state in relation to the protecting system," they say, "that it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the states interested in manufactures." In the opinion of the convention, an equitable plan would be, that "the whole list of protective articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States." The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and with a distinct declaration that, as a concession on our part, we will consent that the same rate of duties may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue shall be raised than is necessary to meet the demands of the government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true, that, in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes, that he "can not but think that, on a calm and dispassionate review by Congress, and the functionaries of the general government, of the true merits of this controversy, the arbitration by a call of a convention of all the states, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of the terms indicated in these two important documents, taken in connexion with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention, nor those alluded to in the message of the governor, would appease the excitement which had led to the present excesses. It is obvious, however, that should the latter be insisted on, they present an alternative which the general government, of itself, can by no possibility grant, since, by an express provision of the constitution, Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two thirds of the states." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention, that the conditions on which it is said, in the address of the convention, they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention in no binding or practical form; one is the act of the state, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive

enactments of the ordinance, the execution of the laws of the Union is absolutely prohibited ; and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency, that amid changing events and increasing excitement, the sentiments of the present members of the convention, and of their successors, will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the states, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected ;" which, moreover, would be severely oppressive to the poor, and in time of war, would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the government, which principle has been already recommended by the executive as the true basis of taxation, yet it is very certain that South Carolina alone can not be permitted to decide what those constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the first of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, which exists as to the duration of the ordinance, and of the enactments for enforcing it, it becomes imperiously the duty of the executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He can not either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with Congress and the people ; and until they have acted, his duty will require him to look to the existing state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the state of South Carolina has forced the general government, unavoidably, to decide the new and dangerous alternative of permitting a state to obstruct the execution of the law within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the state solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws

and of the integrity of the Union. The result of each is the same; since a state in which, by a usurpation of power, the constitutional authority of the federal government is openly defied and set aside, wants only the form, to be independent of the Union.

The right of the people of a single state to absolve themselves at will, and without the consent of the other states, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the general government is constituted, and to the objects which it was expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of government, or which may be inconvenient or oppressive in their operation, the constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made, consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time, and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield a patriotic submission.

That a state, or any other great portion of the people, suffering under long and intolerable oppressions, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the government, and appeal to the last resort, need not, on the present occasion, be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the state, but of the individual, and of all the individuals in the state. It is the right of mankind generally to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to pre-exist, and can not be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds, freely and voluntarily entered into, and in which the interest and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil governments, involving the liberty and happiness of millions of mankind, the obligation can not be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obliga-

tions incident to a compact; to be "a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several states, and ratified by the people thereof, respectively; a compact by which the several states, and the people thereof, respectively, have bound themselves to each other, and to the federal government, and by which the federal government is bound to the several states, and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent; and to the whole and every part of it, they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound, and should be required, to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation; and for nothing less can the government permit it to be done, without violating its own obligations, by which, under the compact, it is bound to the other states, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the government, and every department thereof. It will be freely conceded that, by the principles of our system, all power is vested in the people; but to be exercised in the mode, and subject to the checks, which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the executive, and the authority of the judiciary, which is to extend to all cases in law and equity arising under the constitution and laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact, by the measures of the government, can affect the obligations of the parties, it can not even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the federal government exercise powers not warranted by the constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such, undoubtedly, is the remedy for those who deem the acts of Congress laying duties on imports and providing for their collection to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A state is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and can not become a party, under those laws, without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she can not rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of, the laws, the ordinary remedies through the

judicial tribunals would remain. And in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of the state, which, being unconstitutional, would therefore be regarded as null and void. The law of a state can not authorize the commission of a crime against the United States, or any other act, which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear, that, if there be any case in which a state, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the government are to be recognised as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to state authority, and afterward to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to a "*government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the government, and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. While threatening to separate from the Union, if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed, in her own name, to those tribunals which the constitution has provided for all cases in law or equity arising under the constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens, by drawing the cognizance of the cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the state to obstruct those laws, and both judges and jurors of which will be bound, by the import of oaths previously taken, to treat the constitution and laws of the United States in this respect as a nullity. Nor has the state made the proper appeal to public opinion, and to the remedy of amendment. For, without waiting to learn whether the other states will consent to a convention, or, if they do, will construe or amend the constitution to suit her views, she has, of her own authority, altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own case, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union, in this emergency, it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these states, should be great and lasting, defying all other remedy. For causes of minor character, the government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other states of the Union, who have submitted their destiny to its hands.

There is, in the present instance, no such cause, either in the degree of misrule or oppression complained of, or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled

growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify or even palliate such a resort, can be justly imputed either to the present policy or past measures of the federal government.

The same mode of collecting duties, and for the same general objects which began with the foundation of the government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax of any kind has been imposed without their participation; and, in some instances which have been complained of, with the express assent of the representatives of South Carolina in the councils of the government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the government. And as soon as the burden of the public debt is removed, those charged with the administration have promptly recommended a correspondent reduction of revenue.

That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late chief magistrate of that state in his address to the legislature. In that he says, that "the occurrences of the past year, in connexion with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the great Disposer of human events; that tributes of grateful acknowledgment are due for the various and multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the state have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition." It would, indeed, be difficult to imagine oppression where, in the social condition of a people, there was equal cause of thankfulness, as for abundant harvests, and various and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part in the Union, to participate in the national councils, and to share in the public benefits, without contributing to the public burdens—thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the government seems to be plain. It inculcates a recognition of that state as a member of the Union, and subject to its authority; a vindication of the just power of the constitution; the preservation of the integrity of the Union; and the execution of the laws by all constitutional means.

The constitution, which his oath of office obliges him to support, declares that the executive "*shall take care that the laws be faithfully executed:*" and providing that he shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provisions for executing the laws, as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide

for the common defence and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the constitution in the government of the United States, or in any department or office thereof;" and also, to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the government become the measure of its powers; and whenever it fails to exert a power necessary and proper to the discharge of the duties prescribed by the constitution, it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the government to be contemned, and its laws obstructed by a single state, would neither comport with its own safety, nor the rights of the great body of the American people.

It being thus shown to be the duty of the executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the secretary of the treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures, for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the first of February next.

Subsequently to the date of those instructions, and to the passage of the ordinance, information has been received, from resources entitled to be relied on, that owing to the popular excitement of the state, and the effect of the ordinance declaring the execution of the revenue laws unlawful, a sufficient number of persons, in whom confidence might be placed, could not be induced to accept the office of inspector, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs; and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the customhouse from Charleston to Castle Pinckney, was deemed a measure of necessary precaution; and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution can not be observed in regard to the ports of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws, they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody, is the process of replevin, and that of *capias ad withernam*, in the nature of a distress from the state tribunals organized by the ordinance.

Against the proceeding in the nature of a distress, it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the state, he, having no common

law power, can only oppose such inspectors as he is by statute authorized, and may find it practicable to employ; and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must, therefore, be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the state tribunals to administer the law according to their oath under the constitution and the regulations of the laws of the Union, the general government might have been content to look to them for maintaining the custody, and to encounter the other inconveniences arising out of the recent proceedings Even in that case, however, the process of replevin from the courts of the state would be irregular and unauthorized. It has been decided by the supreme court of the United States, that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a state authority, which, by taking the thing seized out of the hands of the United States' officers, might obstruct the exercise of this jurisdiction, is unlawful; that in such case, the court of the United States having cognizance of the seizure, may enforce a redelivery of the thing by attachment, or any other summary process, that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree, whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful, and without probable cause, by the courts of the United States, can the party proceed at common law for damages in the state courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the state, to enforce the laws for the payment of duties, declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts, are, and shall be held utterly null and void," she has, in effect, abrogated the judicial tribunals within her limits in this respect; has virtually denied the United States access to the courts established by their own laws; and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those state tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union, and enforce those only of South Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the government to its officers and citizens is withheld, and there is at on e an end not only to the laws but to the Union itself.

Against such a force as the sheriff may, and which, by the replevin law of South Carolina, it is his duty to exercise, it can not be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States' courts against those engaged in the unlawful proceedings; or the property might be seized for a violation of the revenue laws, and, being

libelled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But, in that case, the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the country. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation, it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the *posse comitatus*, in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England, to enable them to defend their country against any of the king's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness." In includes the right of going with arms and military equipments, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the states to perform militia duty. If the principles of the common law are recognised in South Carolina (and from this act it would seem they are), the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of fifteen, and able to travel, to turn out at the call of the sheriff, and with such weapons as shall be necessary; and it may justify beating, and even killing such as may resist. The use of the *posse comitatus* is, therefore, a direct application of force, and can not be otherwise regarded than as the employment of the whole militia force of the country, and in any equally efficient form, under a different name. No proceeding which resorts to this power to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned, are subjected to a further proceeding in the nature of a distress of their personal effects; and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than one thousand, nor more than five thousand dollars, and to imprisonment not exceeding two years, nor less than six months; and for even attempting to execute the orders of the court for retaking the property, the marshal and all assisting would be guilty of a misdemeanor, and liable to a fine of not less than three thousand dollars, and to imprisonment not exceeding two years, nor less than one, and in case the goods should be

retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that, in the face of these penalties, aided by the powerful force of the country, which would doubtless be brought to sustain the state officers, either the collector could retain the custody in the first instance, or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and the state (unless the latter be passively submitted to), the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the state, and the collection of the revenue would be more effectually secured—if, indeed, it can be done in any other way—by placing the customhouse beyond the immediate power of the county.

For this purpose, it might be proper to provide that whenever, by any unlawful combination or obstruction in any state, or in any port, it should become impracticable faithfully to collect the duties, the president of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the customhouse at some secure place within the same port or harbor of such state; and, in such cases, it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law be properly secured or paid in cash, deducting interest; that, in such cases, it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that, in case of an attempt otherwise to take the property by force too great to be overcome by the officers of the customs, it should be lawful to protect the possession of the officers by the employment of the land and naval forces, and militia, under provisions similar to those authorized by the eleventh section of the act of the nineteenth of January, 1809.

This provision, however, will not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the state, which might thereafter be brought against them; nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be inefficient to insure a proper respect to the process of the constitutional tribunals, in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the government to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attachment, and yield obedience to the laws of the Union.

It may, therefore, be desirable to revive with some modifications better adapted to the occasion, the sixth section of the act of the third of March, 1815, which expired on the fourth of March, 1817, by the limitation of that of twenty-seventh of April, 1816, and to provide that in any case where

suit shall be brought against any individual in the courts of the state, for any act done under the laws of the United States, he should be authorized to remove the said cause, by petition into the circuit court of the United States, without any copy of the record, and that that court should proceed to hear and determine the same as if it had been originally instituted therein. And that in all cases of injuries to the persons or property of individuals, acting under the laws of the United States, for disobedience to the ordinance and laws of South Carolina, in performance thereof, redress may be sought in the courts of the United States. It may be expedient, also, by modifying the resolution of the third of March, 1791, to authorize the marshals to make the necessary provision for the safekeeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting, as they do, for the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected and enforced. It is believed these would prove adequate, unless the military forces of the state of South Carolina, authorized by the act of the legislature, should be actually embodied and called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as, by that act, the provisions of the law of 1792 were accommodated to the crisis then existing; and by conferring authority upon the president to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any state, or by the courts of the United States, that, within the limits of such state, the laws of the United States will be openly opposed, and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the government to perform its duty, and co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary, than in preserving the good order of society, and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a government of laws, and a federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in his-

tory, we are called upon to decide whether these laws possess any force, and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of nations may so guide your deliberations, and our joint measures, as that they may prove salutary examples, not only to the present, but to future times; and solemnly proclaim that the constitution and the laws are supreme, and the *Union indissoluble.*

SECOND INAUGURAL ADDRESS.

March 4, 1833.

Fellow-Citizens:—

The will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of president of the United States for another term. For their approbation of my public conduct, through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude. It shall be displayed to the extent of my humble abilities, in continued efforts so to administer the government, as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years, which have necessarily called forth, sometimes under circumstances the most delicate and painful, my views of the principles and policy which ought to be pursued by the general government, that I need, on this occasion, but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our government soon after the formation of our present constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all, and to submit to wrong from none, has been, during my administration, its governing maxim: and so happy have been its results, that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this government, there are two objects which especially deserve the attention of the people and their representatives, and which have been, and will continue to be, the subjects of my unceasing solicitude. They are, the preservation of the rights of the several states, and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity to the public will constitutionally expressed. To

this end, it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several states and of the United States, which the people themselves have ordained for their own government.

My experience in public concerns, and the observation of a life somewhat advanced, confirm the opinions long since imbibed by me, that the destruction of our state governments, or the annihilation of their control over the local concerns of the people, would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the general government encroaches upon the rights of the states, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the states, or tend to consolidate all political power in the general government. But, of equal, and indeed of incalculable importance, is the union of these states, and the sacred duty of all to contribute to its preservation by a liberal support of the general government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." Without union, our independence and liberty would never have been achieved—without union, they never can be maintained. Divided into twenty-four, or even a smaller number of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed, or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies; and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our republic. The event of the existing crisis will be decisive in the opinion of mankind, of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the constitution, and to transmit unimpaired to posterity the blessings of our federal union. At the same time, it will be my aim to inculcate, by my official acts, the necessity

of exercising, by the general government, those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community, and of all portions of the Union. Constantly bearing in mind that, in entering into society, "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster, with our brethren in all parts of the country, a spirit of liberal concession and compromise; and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make, for the preservation of a greater good, to recommend our invaluable government and union to the confidence and affections of the American people.

Finally, it is my most fervent prayer, to that Almighty Being before whom I now stand, and who has kept us in his hands from the infancy of our republic to the present day, that he will so overrule all my intentions and actions, and inspire the hearts of my fellow-citizens, that we may be preserved from dangers of all kinds, and continue for ever a UNITED AND HAPPY PEOPLE.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1833.

Fellow-Citizens of the Senate and House of Representatives:—

On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence, health is again restored to us; peace reigns within our borders; abundance crowns the labors of our fields; commerce and domestic industry flourish and increase; and individual happiness rewards the private virtue and enterprise of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right, and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to the character of the American people, and to a policy so just, and so congenial to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you, that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain, the interesting question of our northeastern boundary remains still undecided. A negotiation, however, upon that subject, has been renewed since the close of the last Congress, and a proposition has been submitted to the British government, with the view of establishing, in conformity with the resolution of the senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimately lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation, which, by desire of the house of representatives, was opened some years ago with the Brit

ish government, for the erection of lighthouses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments, interesting to humanity and beneficial to commerce, is worthy of two enlightened nations, and indicates feelings which can not fail to have a happy influence upon their political relations. It is gratifying to the friends of both, to perceive that the inter course between the two people is becoming daily more extensive, and that sentiments of mutual good will have grown up, befitting their common origin, justifying the hope that, by wise counsels on each side, not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the government of France, and that in all other respects the most friendly relations exist between the United States and that government, it is to be regretted that the stipulations of the convention, concluded on the 4th of July, 1831, remain in some important parts unfulfilled.

By the second article of that convention, it was stipulated that the sum payable to the United States should be paid at Paris, in six annual instalments, into the hands of such person or persons as should be authorized by the government of the United States to receive it; and by the same article, the first instalment was payable on the 2d day of February, 1833. By the act of Congress of the 13th July, 1832, it was made the duty of the secretary of the treasury to cause the several instalments, with the interest thereon, to be received from the French government, and transferred to the United States, in such manner as he may deem best; and by the same act of Congress, the stipulations on the part of the United States, in the convention, were in all respects fulfilled. Not doubting that a treaty thus made and ratified by the two governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the secretary of the treasury deemed it advisable to receive and transfer the first instalment by means of a draft upon the French minister of finance. A draft for this purpose was accordingly drawn in favor of the cashier of the bank of the United States, for the amount accruing to the United States out of the first instalment, and the interest payable with it. This bill was not drawn at Washington until five days after the instalment was payable at Paris, and was accompanied by a special authority from the president, authorizing the cashier, or his assigns, to receive the amount. The mode thus adopted, of receiving the instalment, was officially made known to the French government by the American chargé d'affaires at Paris, pursuant to instructions from the department of state. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reasons assigned by the French minister of finance, that no appropriation had been made by the French chambers. It is not known to me, that, up to that period, any appropriation had been required of the chambers; and although a communication was subsequently made to the chambers, by direction of the king, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the chambers.

Notwithstanding it has been supposed by the French ministry, that the

financial stipulation of the treaty can not be carried into effect without an appropriation by the chambers, it appears to me to be not only consistent with the character of France, but due to the character of both governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French government for its execution, and as imposing upon each department an obligation to fulfil it; and I have received assurances through our chargé d'affaires at Paris, and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the king and his ministers to fulfil the treaty, and that measures will be presented at the next meeting of the chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the convention, and which, by the sixth article, France engaged to communicate to the United States by the intermediary of the legation, though repeatedly applied for by the American chargé d'affaires, under instructions from this government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted, as it is not understood that the interposition of the chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deem it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to despatch him in season to communicate the result of his application to the French government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last, and was presented to the king early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs; and I indulge the hope that, with the representations he is instructed to make, and from the disposition manifested by the king and his ministers in their recent assurances to our minister at Paris, the subject will be early considered and satisfactorily disposed of at the next meeting of the chambers.

As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition; and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia, have been further extended and strengthened by the treaty of navigation and commerce, concluded on the 6th of December last, and sanctioned by the senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force; and, under the encouragement which they

have received, a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished toward each other.

It affords me peculiar satisfaction to state, that the government of Spain has at length yielded to the justice of the claims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed upon. Upon this latter point, it is probable an understanding had taken place between the minister of the United States and the Spanish government before the decease of the late king of Spain; and unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you early in your present session, the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It could not fail to strengthen the sentiments of amity and good will between the two nations which it is so much the wish of the United States to cherish, and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain, was limited to the duty payable on American vessels in the ports of Spain, previous to the 20th of October, 1817, being five cents per ton. The act was intended to give effect, on our side, to an arrangement made with the Spanish government, by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain, on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain, on the 20th of May, 1832, by a royal order dated the 20th of April, 1832, American vessels in the ports of Spain have paid five cents per ton, which rate of duty is also paid in those ports by Spanish ships; but, as American vessels pay no tonnage duty in the ports of the United States, the duty of five cents payable in our ports by Spanish vessels under the act above mentioned, is really a discriminating duty operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination; and I recommend that the act be amended accordingly. As the royal order above alluded to includes the ports of the Balearic and Canary islands, as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive; and that, for the repayment of such duties as may have been improperly received, an addition should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referring to, however, did not embrace the islands of Cuba and Porto Rico, discriminating duties, to the prejudice of American shipping, continue to be levied there. From the extent of the commerce carried on between the United States and those islands, particularly the former, this discrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish government upon this subject, and there is reason to expect, from the friendly disposition which is entertained

toward this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties, requires that they be met by suitable countervailing duties during your present session—power being at the same time vested in the president to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those islands. Intimations have been given to the Spanish government, that the United States may be obliged to resort to such measures as are of necessary self-defence, and there is no reason to apprehend that it would be unfavorably received. The proposed proceedings, if adopted, would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity by friendly negotiation, and it might serve to give force to his representations by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of being delivered over to the United States, in conformity with the royal order, as mentioned in my last annual message, though in progress, has not yet been completed. This delay has been produced, partly by causes which were unavoidable, particularly the prevalence of cholera at Havana; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session, that, "owing, as was alleged, to embarrassments in the finances of Portugal, consequent upon the civil war in which that nation was engaged," payment had been made of only one instalment of the amount which the Portuguese government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time, a postponement for two years, with interest, of the two remaining instalments, was requested by the Portuguese government; and as a consideration, it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given; and a royal order of the king of Portugal was accordingly issued on the 4th of February last, for the reduction of the duty on rice of the United States. It would give me great pleasure, if, in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long-subsisting, extensive, and mutually-advantageous commercial intercourse has strengthened the relations of friendship, I could announce to you the restoration of its internal tranquillity.

Subsequently to the commencement of the last session of Congress, the final instalment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining the claims have since terminated their labors, and their awards have been paid at the treasury as they have been called for. The justice rendered to our citizens by that government is thus completed, and a pledge is thereby afforded for the maintenance of that friendly intercourse becoming the relations that the two nations mutually bear to each other.

It is satisfactory to inform you that the Danish government has recently issued an ordinance by which the commerce with the island of St. Croix is placed on a more liberal footing than heretofore. This change can not fail to prove beneficial to the trade between the United States and that

colony; and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the king of the two Sicilies have been duly exchanged, and the commissioners appointed for examining the claims under it have entered upon the duties assigned to them by law. The friendship that the interests of the two nations require of them being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter, and received the sanction of the senate; but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and subsequently, of the absence of the Belgian minister of foreign affairs, at the important conference in which his government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which, it is sincerely hoped, will always regulate the conduct of the two nations, having such motives to maintain amicable relations toward each other, and so sincerely desirous to cherish them.

With all the other European powers with whom the United States have formed diplomatic relations, and with the Sublime Porte, the best understanding prevails. From all, I continue to receive assurances of good-will toward the United States—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other states. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements, is well calculated to give success to efforts intended to be mutually beneficial.

The wars of which the southern part of this continent was so long the theatre, and which were carried on either by the mother-country against the states which had formerly been her colonies, or by the states against each other, having terminated, and their civil dissensions having so far subsided as, with few exceptions, no longer to disturb the public tranquillity, it is earnestly hoped that those states will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting, by wise councils and able exertions, the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those states our relations have undergone but little change during the present year. No reunion having yet taken place between the states which compose the republic of Colombia, our chargé d'affaires at Bogota has been accredited to the government of New Grenada, and we have therefore no diplomatic relations with Venezuela and Ecuador, except as they may be included in those heretofore formed with the Colombian republic.

It is understood that representatives from three states were about to assemble at Bogota, to confer on the subject of their mutual interests, particularly that of their union; and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connexions which it has been the constant

desire of the United States to cultivate with their sister republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the republic of Colombia, or either of the states which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the chargé d'affaires appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations, so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gratifying to state that, since my last annual message, some of the most important claims of our fellow-citizens upon the government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it, that justice will also be done in others. No new causes of complaint have arisen; and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret that, owing probably to the civil dissensions which have occupied the attention of the Mexican government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations, has been suffered to expire without the appointment of any commissioners on the part of that government. While the true boundary remains in doubt by either party, it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili, and approved by the senate at its last session, was also ratified by the Chilian government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both governments on the treaty will again become necessary.

The negotiations commenced with the Argentine republic, relative to the outrages committed on our vessels engaged in the fisheries at the Falkland islands, by persons acting under the color of its authority, as well as the other matters in controversy between the two governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that government to renew the negotiation in the United States, but, though daily expected, he has not yet arrived in this country.

With Peru no treaty has yet been formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity, and that liberal commerce, which belong to the relations in which all the independent states of this continent stand toward each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with

the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress, I communicated a report from the secretary of state upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute, with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report the secretary of the treasury will in due time lay before you. The receipts into the treasury during the present year will amount to more than thirty-two millions of dollars. The revenue derived from customs will, it is believed, be more than twenty-eight millions, and the public land will yield about three millions of dollars. The expenditures within the year, for all objects, including two millions five hundred and seventy-two thousand two hundred and forty dollars, ninety-nine cents, on account of the public debt, will not amount to twenty-five millions of dollars, and a large balance will remain in the treasury, after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the secretary of the treasury will probably enable him to pay off, in the course of the present year, the residue of the exchanged four and a half per cent. stock, redeemable on the first day of January next; it has, therefore, been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the public debt; the payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of four millions seven hundred and sixty thousand eighty-two dollars, eight cents; and, as provision has already been made for the four and a half per cent. above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt; and the revenue of the coming year, together with the balance now in the treasury, will be sufficient to discharge it, after meeting the current expenses of the government. Under the power given to the commissioners of the sinking fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances, and the public engagements yet to be fulfilled, you will perceive that, if Providence permits me to meet you at another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged, is strong evidence of the abundant resources of the country, and of the prudence and economy with which the government has heretofore been administered. We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world; both of them undertaken in defence of our dearest rights—both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle, as well as the second, will have lived to see the last item of the debt incurred in these necessary, but expensive conflicts, faithfully and honestly discharged; and we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the government, the rare blessings of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unincumbered

with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the income of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds, and the cash duties on woollens, which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that year. These causes would of themselves produce a great diminution of the receipts in the year 1834, as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next, on some of the most important and productive articles. Upon the best estimates that can be made, the receipts of the next year, with the aid of the unappropriated amount now in the treasury, will not be much more than sufficient to meet the expenses of the year, and pay the small remnant of the national debt which yet remains unsatisfied. I can not, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law, on the various articles, was adopted at the last session of Congress as a matter of compromise, with unusual unanimity; and unless it is found to produce more than the necessities of the government call for, there would seem to be no reason at this time to justify a change.

But, while I forbear to recommend any further reductions of the duties, beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interests, and authorized by the powers clearly delegated to the United States. We are beginning a new era in our government. The national debt, which has so long been a burden on the treasury, will be finally discharged in the course of the ensuing year. No more money will afterward be needed than what may be necessary to meet the ordinary expenses of the government. Now, then, is the proper moment to fix our system of expenditure on firm and durable principles; and I can not too strongly urge the necessity of a rigid economy, and an inflexible determination not to enlarge the income beyond the real necessities of the government, and not to increase the wants of the government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it, and after reducing the tariff in order to lighten the burdens of the people, and providing for a still further reduction to take effect hereafter, it would be much to be deplored if, at the end of another year, we should find ourselves obliged to retrace our steps, and impose additional taxes to meet unnecessary expenditures.

It is my duty, on this occasion, to call your attention to the destruction of the public building occupied by the treasury department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which

will be duly communicated to you. I take pleasure, however, in stating here, that by the laudable exertions of the officers of the department, and many of the citizens of the district, but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable; and in providing for it, it will be advisable to enlarge in some manner the accommodations for the public officers of the several departments, and to authorize the erection of suitable depositories for the safekeeping of the public documents and records.

Since the last adjournment of Congress, the secretary of the treasury has directed the money of the United States to be deposited in certain state banks, designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject; and some months before the removal, I urged upon the department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at the time fully developed by proof. It was not until late in the month of August, that I received from the government directors an official report, establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money; and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president, to be employed in sustaining the political power of the bank. A copy of this resolution is contain in the report of the government directors before referred to; and however the objects may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it was proved to have been applied, abundantly show that it was so understood. Not only was the evidence complete, as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the government ought to pursue was not doubtful. As by the terms of the bank charter, no officer but the secretary of the treasury could remove the deposites, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the government, in such a use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all officers in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.

At this time the efforts of the bank to control public opinion through the

distresses of some and the fears of others, are equally apparent, and if possible more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposites, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that through the increased accommodations which the state banks have been enabled to afford, no public distress has followed the exertions of the bank; and it can not be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed, to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the secretary of the treasury had been taken to enable him to judge whether the public deposites in the bank of the United States were entirely safe; but that, as his single powers might be inadequate to the object, I recommended the subject to Congress, as worthy of their serious investigation; declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination, thus recommended, was gone into, is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the committee of ways and means, touching certain specified points only, concluding with a resolution that the government deposites might safely be continued in the bank of the United States. This resolution was adopted at the close of the session, by the vote of a majority of the house of representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents, which may be taken by the other departments of the government, or either of its branches, I am, notwithstanding, wholly incapable of receiving, otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source; and in respect to none am I more inclined to do so, than to the house of representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the secretary of the treasury, that the change in the deposites which has been ordered, has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that department, rendered its act a matter of imperious duty.

Coming, as you do, for the most part, immediately from the people and

the states, by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act, to decide whether the executive department of the government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the secretary of war, with the documents annexed to it, exhibits the operations of the war department for the past year, and the condition of the various subjects intrusted to its administration.

It will be seen from them that the army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties, which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system, so wisely adopted and so long pursued, of constructing fortifications at exposed points, and of preparing and collecting the supplies necessary for the military defence of the country, and thus providently furnishing in peace the means of defence in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the secretary of war. Their adoption would promote the public service, and meliorate the condition of the army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sac and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States, and for the migration of the occupants to the regions assigned for their residence west of the Mississippi. Should these treaties be ratified by the senate, provision will have been made for the removal of almost all the tribes now remaining east of that river, and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength. That those tribes can not exist, surrounded by our settlements, and in continual contact with our citizens, is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement, which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority, or seeking to control them, they must necessarily yield to the force of circumstances, and ere long disappear. Such has been their fate heretofore, and if it is to be averted—and it is—it can only be done by a general removal beyond our boundary, and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made, has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians, and in devising a plan for their intercourse and government, is received, I trust ample means of information will be in possession of the

government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the navy during the year, and its present condition, are fully exhibited in the annual report from the navy department.

Suggestions are made by the secretary, of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the navy board, the revision of the pay to officers, and a change in the period of time, or in the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of our naval concerns, and especially on the amount of force and the number of officers, and the general course of policy appropriate in the present state of our country, for securing the great and useful purposes of naval protection in peace, and due preparation for the contingencies of war, meet with my entire approbation.

It will be perceived, from the report referred to, that the fiscal concerns of the establishment are in an excellent condition; and it is hoped that Congress may feel disposed to make promptly every suitable provision desired, either for preserving or improving the system.

The general postoffice department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept, appears to have presented an imperfect view of its expenses. It has recently been discovered that, from the earliest records of the department, the annual statements have been calculated to exhibit an amount considerably short of the actual expenses incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress, establishing new mail-routes, and a disposition on the part of the head of the department to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement, beyond what the current resources of the department would sustain. As soon as he had discovered the imperfection of the method, he caused an investigation to be made of its results, and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made, to bring the expenses of the department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages has equalled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this department. The details are exhibited in the accompanying report of the postmaster-general.

The many distressing accidents which have, of late, occurred in that portion of our navigation carried on by the use of steam power, deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of these fatal disasters is constantly increasing, notwithstanding the great improvements which are everywhere made in the machinery employed, and in the rapid advances

which have been made in that branch of science, show very clearly that they are, in a great degree, the result of criminal negligence on the part of those by whom the vessels are navigated, and to whose care and attention the lives and property of our citizens are so extensively intrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation, seems to be highly probable; so far, therefore, as the subject can be regarded as within the constitutional purview of Congress, I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the constitution, in relation to the mode of electing the president and vice-president of the United States. Regarding it as all important to the future quiet and harmony of the people, that every intermediate agency in the election of these officers should be removed, and that their eligibility should be limited to one term of either four or six years, I can not too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you, in conclusion, the co-operation which it may be in my power to afford them.

JACKSON'S LAND BILL VETO.

DECEMBER 4. 1833.

To the Senate of the United States:—

AT the close of the last session of Congress I received from that body a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain states." The brief period then remaining before the rising of Congress, and the extreme pressure of official duties, unavoidable on such occasions, did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the states, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands: and any measure for that object, providing for the reimbursement of the United States of those expenses with which they are justly chargeable, that may be consistent with my views of the constitution, sound policy, and the rights of the respective states, will readily receive my co-operation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only; and in its terms appears to anticipate alterations within that time, at the dis-

cretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration, nor the validity of the objections which I have felt it to be my duty to make to its passage, can be correctly appreciated without a full understanding of the manner in which the public lands upon which it is intended to operate, were acquired, and the conditions upon which they are now held by the United States. I will, therefore, precede the statement of those objections by a brief and distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the articles of confederation, a proposition was made to amend them to the following effect, viz:—

"That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi or South sea, and lay out the land beyond the boundary so ascertained into separate and independent states, from time to time, as the numbers and circumstances of the people thereof may require."

It was, however, rejected, Maryland only voting for it; and so difficult did the subject appear, that the patriots of that body agreed to waive it in the articles of confederation, and leave it for future settlement.

On the submission of the articles to the several state legislatures for ratification, the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey, instructed their delegates in Congress to move amendments to them, providing that the waste or crown lands should be considered the common property of the United States; but they were rejected. All the states, except Maryland, acceded to the articles, notwithstanding some of them did so with the reservation, that their claim to those lands, as common property, was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the articles, Maryland withheld her assent, and in May, 1779, imbodied her objections in the form of instructions to her delegates, which were entered upon the journals of Congress. The following extracts are from that document, viz:—

"Is it possible that those states who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power, derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them?" &c., &c.

"We are convinced, policy and justice require, that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty at Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct," &c., &c.

Virginia proceeded to open a land office for the sale of her western lands, which produced such excitement as to induce Congress in October,

1779, to interpose and earnestly recommend to "the said states and all states similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war."

In March, 1780, the legislature of New York passed an act tendering a cession to the United States of the claims of that state to the western territory, preceded by a preamble to the following effect, viz:—

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas, the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America, have not proved acceptable to all the states, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war; and the people of the state of New York, being on all occasions disposed to manifest their regard for their sister states and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment," &c.

This act of New York, the instructions of Maryland, and a remonstrance of Virginia, were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th of September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:—

"That it appears advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they can not be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union, that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration," &c.

"*Resolved*, That copies of the several papers, referred to the committee, be transmitted, with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states who have claims to the western country, to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe to the said articles."

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several states as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:—

"*Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States, by any particular state pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence as the other states," &c. "That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them."

In February, 1781, the legislature of Maryland passed an act authorizing their delegates in Congress to sign the articles of confederation. The following are extracts from the preamble and body of the act, viz:—

"Whereas it hath been said that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the sister states may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friend and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation," &c.

The act of which this is the preamble, authorizes the delegates of that state to sign the articles, and proceeds to declare, "that by acceding to the said confederation, this state doth not relinquish, nor intend to relinquish, any right or interest she hath, with the other united or confederated states to the back country," &c., &c.

On the 1st of March, 1781, the delegates of Maryland signed the articles of confederation, and the federal union under that compact was complete. The conflicting claims to the western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the states claiming them, to make liberal cessions to the United States, and it was not until long after the present constitution was formed, that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the articles of confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession thus tendered and accepted, was, that the lands ceded to the United States "*shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:—

"That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*"

Within the years 1785, 1786, and 1787, Massachusetts, Connecticut, and South Carolina, ceded their claims upon similar conditions. The federal government went into operation under the existing constitution on

the 4th of March, 1789. The following is the only provision of that constitution which has a direct bearing on the subject of the public lands, viz :—

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

Thus the constitution left all the compacts before made in full force, and the right of all parties remained the same under the new government as they were under the confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790. The third condition of the cession was in the following words, viz :—

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition, is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands, generally called *public lands*, lying within the original limits of the confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the general government, to be disposed of for the common benefit, as those ceded by the several states.

By the facts here collected from the early history of our republic, it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the states agreed to come into a "perpetual union." The states claiming those lands, acceded to those views, and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them, by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance, providing for the sales of lands in the western territory, and directing the proceeds to be paid into the treasury of the United States. With the same object other ordinances were adopted prior to the organization of the present government.

In further execution of these compacts, the Congress of the United States under the present constitution, as early as the 4th of August, 1790, in "An act making provision for the debt of the United States," enacted as follows, viz :—

"That the proceeds of sales which shall be made of lands in the western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated toward sinking or

discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied."

To secure the government of the United States for ever, the power to execute those compacts in good faith, the Congress of the confederation as early as July 13th, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the western territory certain conditions which were declared to be "articles of compact between the original states and the people and states in the said territory" which should "for ever remain unalterable, unless by common consent." In one of these articles it is declared that—

"The legislatures of those districts or new states shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers."

This condition has been exacted from the people of all the new territories; and to put its obligation beyond dispute, each new state, carved out of the public domain, has been required explicitly to recognize it as one of the conditions of admission into the union. Some of them have declared through their conventions in separate acts that their people "for ever disclaim all right and title to the waste and unappropriated lands lying within this state, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day—in legislating for the territories and admitting states into the Union—the unshackled power to execute in good faith the compacts of cession made with the original states. From these facts and proceedings it plainly and certainly results:—

1. That one of the fundamental principles on which the confederation of the United States was originally based, was that the waste lands of the west within their limits, should be the common property of the United States.

2. That those lands were ceded to the United States by the states which claimed them, and the cessions were accepted, on the express condition that they should be disposed of for the common benefit of the states, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That in execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands and put the avails into the common treasury; and, under the new constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which each state was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think can not be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several states, and the acts of Congress under the new constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress, may be considered as paid, and they are consequently released from that lien.

But that pledge formed no part of the compacts with the states, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debts the compacts remain in full force, and the obligation of the United States, to dispose of the lands for the common benefit is neither destroyed or impaired. As they can not now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several states, "*according to their respective and usual proportion in the general charge and expenditure.*" The cessions of Virginia, North Carolina, and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each state shall profit by the proceeds of the land sales, but they proceed to declare, that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land at this moment, growing out of compacts which are older than the constitution, and formed the corner-stone on which the Union itself was erected.

In the practice of the government, the proceeds of the public lands have not been set apart *as a separate fund* for the payment of the public debt, but have been and are now paid into the treasury, where they constitute a part of the aggregate of the revenue upon which the government draws as well for its current expenditures as for payment of the public debt. In this manner they have heretofore and do now lessen the general charge upon the people of the several states in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt and the unusual expenditures attending the civil and military administrations of the government, but of the amounts paid to the states with which these compacts were formed, the amounts paid the Indians for their right of possession, amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, &c., employed in preparing for market and selling the western domain.

From the origin of the land system down to September 30, 1832, the amount expended for all these purposes has been about $49,701,280—and the amount received from the sales, deducting payments on account of roads, &c., $38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the treasury which have grown out of them, by about $11,314,656. Yet, in having been applied to lessen those charges, the conditions of the compacts have been thus far fulfilled, and each state has profitted according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them, and save the treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been, by reducing the price, and hereafter, as heretofore, bringing the proceeds into the treasury. Indeed, as this is the only mode in which the objects of the original compacts can be attained, it may be considered for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western

domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands. The first cession directs—

"That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the states of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said states is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of twelve and a half per centum upon the net amount of sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said states; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvements or education within the said states under the direction of the several legislatures."

This twelve and a half per centum is to be taken out of the net proceeds of the land sales before any apportionments is made; and the same seven states which are first to receive this proportion, are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character than that it is in direct and undisguised violation of the pledge given by Congress to the states before a single cession was made; that it abrogates the condition upon which some of the states come into the Union; and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public lands is held by the federal government.

In the apportionment of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure, provided by the compacts, it adopts that of the federal representative population. Virginia, and other states, which ceded their lands upon the express condition, that they should receive a benefit from their sales, in proportion to their part of the general charge, are by the bill allowed only a portion, of seven eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their federal representative population.

The constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States or of any particular state*," it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*," for carrying them into effect. All beyond this would seem to be an assumption of the undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great states, which had won liberty, were willing to pay for that union, without which they plainly saw it could not be preserved. It was not for territory or state power, that our revolutionary fathers took up arms; it was for individual liberty, and the right of self-government. The expulsion from the continent of British armies and British power, was to them a barren conquest, if, through the collisions of the redeemed states, the individual rights for which

they fought, should become the prey of petty military tyrannies, established at home. To avert such consequences, and throw around liberty the shield of union, states, whose relative strength at the time, gave them a preponderating power, magnanimously sacrificed domains, which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederate states. This enlightened policy produced union, and has secured liberty. It has made our waste lands to swarm with the busy people, and added many powerful states to our confederation. As well for the fruits which these noble works of our ancestors have produced, as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which should have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris, and Lexington turnpike-road company, from which I was compelled to withhold my consent for reasons contained in my message on the 27th May, 1830, to the house of representatives.

The leading principle then asserted was, that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character, within the states. That principle, I can not be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly. that the interests of our people, and the purity of our government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales, are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain states, providing expressly, that it shall "*be applied to objects of internal improvement or education within those states*," and then proceeds to appropriate the balance to all the states, with the declaration, that it shall be applied "*to such purpose as the legislatures of the said respective states shall deem proper*." The former appropriation is expressly for internal improvement or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike-road bill, above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that under the provisions of the bill, a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States can not be applied to local purposes "through its own agents," as little can it be permitted to be thus expended "through the agency of the state governments."

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress, without injury to the substantial interests of the country, there might be for some years to come a surplus of moneys in the treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the

state governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was, to return to the people an unavoidable surplus of revenue, which might have been paid by them under a system which could not at once be abandoned ; but even this resource, which at one time seemed to be almost the only alternative to save the general government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the states. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the treasury. It does not return to the people, moneys accidentally or unavoidably paid by them to the government, by which they are not wanted ; but compels the people to pay moneys into the treasury for the mere purpose of creating a surplus for distribution to their state governments.

If this principle be once admitted, it is not difficult to preceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the states a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the state governments shall derive all the funds necessary for their support from the treasury of the United States ; or, if a sufficient supply should be obtained by some states and not by others, the deficient states might complain, and to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further and put the salaries of all the state governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation can not be devised. Money is power, and in that government which pays all the public officers of the states, will all political power be substantially concentrated. The state governments, if governments they might be called, would lose all their independence and dignity—the economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependants of the general government, and looking to its treasury as the source of all their emoluments, the state officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several states will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their state governments and vest it in Congress, over most of whose members they have no control.

They will not think it expedient that Congress shall be the tax-gatherer and paymaster of all their state governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of

government, and ultimately deprive us of all the blessings now derived from our happy Union.

However willing I might be, that any unavoidable surplus in the treasury should be returned to the people through their state governments, I can not assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right, not only to create a surplus for that purpose, but to divide the contents of the treasury among the states without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every state government and institution, as well as for making every local improvement, however trivial, I can not give it my assent.

It is difficult to perceive what advantages would accrue to the old states or the new, from the system of distribution which this bill proposes, if it were otherwise objectionable. It requires no argument to prove that, if three millions of dollars a year, or any other sum, shall be taken out of the treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old states will receive annually a sum of money from the treasury, but they will pay in a larger sum, together with the expense of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are to *receive*, but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a dead loss, in the ratio of *eight* to *seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable

Their receipts will be in large sums, but their payments in small ones. The *governments* of the states will receive *seven* dollars for which the *people* of the states will pay *eight*. The large sums received will be palpable to the senses; the small sums paid, it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new states would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true, the bill reserves to Congress the power to reduce the price, but the effect of its details, as now arranged, would probably be for ever to prevent its exercise.

With the just men who inhabit the new states, it is a sufficient reason to reject this system, that it is in violation of the fundamental laws of the republic and its constitution. But if it were a mere question of interest or expediency, they would still reject it. They would not sell their bright prospects of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries, in competition with the settlement of their waste lands, and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended, as an equivalent for that enduring wealth which is composed of flocks and herds, and cultivated farms. No temptation will allure them from that object of abi-

ding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace, and their defence in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the treasury so much of the general charge as arises from that source, they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the states in the Union, and particularly of the new states, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the states, and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain for ever a title to lands within the states which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the states.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from two dollars per acre to one dollar and a quarter, and upon the will of Congress, it depends whether there shall be a further reduction. While the burdens of the east are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the west should be lightened in an equal degree at least. It would be just to the old states and the new, conciliate every interest, disarm the subject of all its dangers, and add another guaranty to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets, at finding myself again compelled to disagree with the legislative power, the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question, and be compatible with the constitution and public faith, shall have my hearty concurrence.

SPECIAL MESSAGE.

JANUARY 6, 1834.

To the House of Representatives:—

I COMMUNICATE to Congress an extract of a letter recently received from R. J. Leib, consul of the United States at Tangier, by which it appears that that officer has been induced to receive from the emperor of Morocco a present of a lion and two horses, which he holds as belonging to the United States. There being no funds at the disposal of the executive applicable to the objects stated by Mr. Leib, I submit the whole subject to the consideration of Congress, for such direction as in their wisdom may seem proper.

I have directed instructions to be given to all our ministers and agents abroad, requiring that, in future, unless previously authorized by Congress, they will not, under any circumstances, accept presents, of any description, from any foreign state.

I deemed it proper, on this occasion, to invite the attention of Congress to the presents which have heretofore been made to our public officers, and which have been deposited, under the orders of the government, in the department of state. These articles are altogether useless to the government, and the care and preservation of them in the department of state are attended with considerable inconvenience.

The provision of the constitution, which forbids any officer, without the consent of Congress, to accept any present from any foreign power, may be considered as having been satisfied by the surrender of the articles to the government; and they might now be disposed of by Congress to those for whom they are originally intended, or to their

heirs, with obvious propriety in both cases, and, in the latter, would be received as grateful memorials of the surrender of the present.

As, under the positive order now given, similar presents can not hereafter be received, even for the purpose of being placed at the disposal of the government, I recommend to Congress to authorize, by law, that the articles already in the department of state shall be delivered to the persons to whom they were originally presented, if living, and to the heirs of such as may have died.

SPECIAL MESSAGE.

FEBRUARY 4, 1834.

To the Senate and House of Representatives :—

I DEEM it my duty to communicate to Congress the recent conduct of the bank of the United States, in refusing to deliver the books, papers, and funds, in its possession, relating to the execution of the act of Congress of June 7, 1832, entitled, "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution." The correspondence reported by the secretary of war, and herewith transmitted, will show the ground assumed by the bank to justify its refusal to make the transfer directed by the war department. It does not profess to claim the privilege of this agency as a right secured to it by contract, nor as a benefit conferred by the government, but as a burden, from which it is willing to be relieved. It places its refusal on the extraordinary ground, that the corporation has a right to sit in judgment upon the legality of the acts of the constituted authorities, in a matter in which the stockholders are admitted to have no interest, and it impedes and defeats, as far as its powers will permit, the execution of a measure of the administration, because the opinion of the corporation, upon the construction of an act of Congress, differs from that of the proper officer of the United States.

The claim of this corporation, thus to usurp the functions of the judicial power, and to prescribe to the executive department the manner in which it shall execute the trust confided to it by law, is without example in the history of our country. If the acts of the public servants, who are responsible to the people for the manner in which they execute their duty, may thus be checked and controlled by an irresponsible money corporation, then, indeed, the whole frame of our government is changed, and we have established a power, in the bank of the United States, above what we derive from the people.

It will be seen, from the accompanying statement, marked A, that, according to the latest accounts received at the war department, the bank of the United States and its branches have in their possession near half a million of the public money, received by them under the law of 1832, which they have not yet accounted for, and which they refuse to pay over to the proper agents, for the use of those persons for whose benefit it was drawn from the treasury. It is to be regretted, that this attempt, on the part of the bank, to guide and direct the executive upon the construction and execution of an act of Congress, should have been put forward and insisted on in a case where the immediate sufferers from their conduct will be the surviving veterans of the revolutionary war; for this evil falls exclusively

upon the gallant defenders of their country, and delays and embarrasses the payment of the debt which the gratitude of the nation has awarded to them, and which, in many instances, is necessary for their subsistence and comfort in their declining years.

The character of the claim set up by the bank, and the interest of the parties to be immediately affected by it, make it my duty to submit the whole subject to the consideration of Congress: and I leave it to their wisdom to adopt such measures as the honor of the government, and the just claims of the individuals injured by the proceedings, may be deemed to require.

Having called for the opinion of the attorney-general upon this occasion, with a view to a thorough investigation of the question which has thus been presented for my consideration, I enclose a copy of the report of that officer, and add my entire concurrence in the views he has taken.

PROTEST.

APRIL 15, 1834.

To the Senate of the United States :—

IT appears, by the published journal of the senate, that, on the 26th of December last, a resolution was offered by a member of the senate, which, after a protracted debate, was, on the twenty-eighth day of March last, modified by the mover, and passed by the votes of twenty-six senators out of forty-six, who were present and voted, in the following words, viz. :—

"*Resolved*, That the president, in the late executive proceeding in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Having had the honor, through the voluntary suffrages of the American people, to fill the office of president of the United States, during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and constitution of my country.

It can seldom be necessary for any department of the government, when assailed in conversation or debate, or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct, or of pointing out any irregularity or injustice in the manner of the attack. But when the chief executive magistrate is, by one of the most important branches of the government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of the breach of the laws and constitution, it is due to his station, to public opinion, and to proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the constitution, before the president of the United States can enter on the execution of his office, he is required to take an oath or affirmation in the following words :—

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States."

The duty of defending, so far as in him lies, the integrity of the constitution would indeed have resulted from the very nature of his office; but, by thus expressing it in the official oath or affirmation, which, in this respect, differs from that of every other functionary, the founders of our republic have attested their sense of its importance, and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country; and perfectly convinced that the discussion and passage of the above-mentioned resolution were not only unauthorized by the constitution, but in many respects repugnant to its provisions, and subversive of the rights secured by it to other co-ordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument, and the immunities of the department intrusted to my care, by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end, I have caused this, my *solemn protest* against the aforesaid proceedings, to be placed on the files of the executive department, and to be transmitted to the senate.

It is alike due to the subject, the senate, and the people, that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the constitution of the United States, the powers and functions of the various departments of the federal government, and their responsibilities for violation or neglect of duty, are clearly defined or result by necessary inference. The legislative power, subject to the qualified negative of the president, is vested in the Congress of the United States, composed of the senate and house of representatives. The executive power is vested exclusively in the president, except that, in the conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the senate. The judicial power is vested exclusively in the supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the house of representatives, and that of hearing and determining in the senate. But although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet, with these exceptions, each of the three great departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so in the constitution. In every other respect, each of them is the co-equal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the president are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and, on due conviction, to removal from office, and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished

according to law. He is also liable to the private action of any party, who may have been injured by his illegal mandates or instructions, in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion, for every act of his administration. Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally, or in writing, at such times, and in such language and form as they may think proper, to discuss his official conduct, and to express and promulgate their opinions concerning it. Indirectly, also, his conduct may come under review in either branch of the legislature, or in the senate when acting in its executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be examined by them. These are believed to be the proper and only modes in which the president of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the senate is wholly unauthorized by the constitution, and in derogation of its entire spirit. It assumes that a single branch of the legislative department may, for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon, the official acts of the executive. But in no part of the constitution is the president subjected to any such responsibility; and in no part of that instrument is any such power conferred on either branch of the legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the senate, and a comparison of their recent proceedings with those powers.

The high functions assigned by the constitution to the senate, are in their nature either legislative, executive, or judicial. It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the senate is expressly authorized and necessarily required to consider and decide upon the conduct of the president or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its legislative or executive proceedings, in which it may be indispensable to the proper exercise of its powers, that it should inquire into, and decide upon, the conduct of the president or other public officers: and in every such case, its constitutional right to do so is cheerfully conceded. But to authorize the senate to enter on such a task in its legislative or executive capacity, the inquiry must actually grow out of and tend to some legislative or executive action; and the decision when expressed, must take the form of some appropriate legislative or executive act.

The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution. It asserts no legislative power; proposes no legislative action; and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action.

While wanting both the form and substance of a legislative measure, it is equally manifest that the resolution was not justified by any of the exec-

utive powers conferred on the senate. These powers relate exclusively to the consideration of treaties and nominations to office, and they are exercised in secret session, and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the senate, to their chamber, and other appurtenances, or to subjects of order, and other matters of the like nature—in all which either house may lawfully proceed, without any co-operation with the other, or with the president.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect, are to be found in the conduct which it charges upon the president, and in the judgment which it pronounces on that conduct. The resolutions, therefore, though discussed and adopted by the senate in its legislative capacity, is, in its office, and in all its characteristics, essentially judicial.

That the senate possesses a high judicial power, and that instances may occur in which the president of the United States will be amenable to it, is undeniable. But under the provisions of the constitution, it would seem to be equally plain that neither the president nor any other officer can be rightfully subjected to the operation of the judicial power of the senate, except in the cases and under the forms prescribed by the constitution.

The constitution delares, that "the president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors;" that the house of representatives "shall have the sole power of impeachment;" that the senate "shall have the sole power to try all impeachments; that "when sitting for that purpose, they shall be on oath or affirmation"—that "when the president of the United States is tried, the chief-justice shall preside;" that "no person shall be convicted without the concurrence of two thirds of the members present;" and that judgment shall not extend further than to "removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States."

The resolution above quoted, charges, in substance, that in certain proceedings, relating to the public revenue, the president has usurped authority and power not conferred upon him by the constitution and laws, and that, in doing so, he violated both. Any such act constitutes a high crime —one of the highest, indeed, which the president can commit—a crime which justly exposes him to impeachment by the house of representatives, and, upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the constitution.

The resolution, then, was in substance an impeachment of the president; and, in its passage, amounts to a declaration by a majority of the senate, that he is guilty of an impeachable offence. As such, it is spread upon the journals of the senate—published to the nation and to the world—made part of our enduring archives—and incorporated in the history of the age. The punishment of removal from office and future disqualification, does not, it is true, follow this decision; nor would it have followed the like decision, if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of

a solemn declaration, by a majority of the senate, that the accused is guilty of the offence charged upon him, has been as effectually secured, as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly allege that the assumption of power and authority, which it condemns, was intentional and corrupt, is no answer to the preceding view of its character and effect.

The act thus condemned, necessarily implies violation and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is that it was prompted by improper motives, and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the constitution and laws, and in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation, there is only room for one inference; and that is, that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestion, but, on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation; and thus as distinctly stamps it with impurity of motive, as if the strongest epithets had been used.

The president of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence; but in no part of this proceeding have the directions of the constitution been observed.

The impeachment, instead of being preferred and prosecuted by the house of representatives, originated in the senate, and was prosecuted without the aid or concurrence of the other house. The oath or affirmation prescribed by the constitution, was not taken by the senators; the chief-justice did not preside; no notice of the charge was given to the accused; and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross-examine the witnesses, to procure counteracting testimony, or to be heard in his defence. The safeguards and formalities which the constitution has connected with the power of impeachment, were doubtless supposed, by the framers of that instrument, to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded, in the commencement and conduct of these proceedings, but, in their result, I find myself convicted by less than two thirds of the members present, of an impeachable offence.

In vain it may be alleged, in defence of this proceeding, that the form of the resolution is not that of an impeachment or a judgment thereupon—that the punishment prescribed in the constitution does not follow its adoption, or that in this case no impeachment is to be expected from the house of representatives. It is because it did not assume the form of an impeachment, that it is more palpably repugnant to the constitution; for it is through that form only that the president is judicially responsible to the senate; and though neither removal from office, nor future disqualification ensues, yet it is not to be presumed that the framers of the constitution considered either or both of those results as constituting the whole of the punishment

they prescribed. The judgment of guilty by the highest tribunal in the Union; the stigma it would inflict on the offender, his family and fame; and the perpetual record on the journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence of that punishment. So far, therefore, as some of its most material parts are concerned, the passage, recording, and promulgation of the resolution, are an attempt to bring them on the president in a manner unauthorized by the constitution. To shield him and other officers who are liable to impeachment, from consequences so momentous, except when really merited by official delinquencies, the constitution has most carefully guarded the whole process of impeachment. A majority of the house of representatives must think the officer guilty, before he can be charged. Two thirds of the senate must pronounce him guilty, or he is deemed to be innocent. Forty-six senators appears by the journal to have been present when the vote on the resolution was taken. If after all the solemnities of an impeachment, thirty of those senators had voted that the president was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case, a lasting record of conviction has been entered up by the votes of twenty-six senators, without an impeachment or trial; while the constitution expressly declares that to the entry of such a judgment on accusation by the house of representatives, a trial by the senate, and a concurrence of two thirds in the vote of guilty, shall be indispensable prerequisites.

Whether or not an impeachment was to be expected from the house of representatives, was a point on which the senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just grounds for this procedure. Admitting that there was reason to believe that a violation of the constitution and laws had been actually committed by the president, still it was the duty of the senate, as his sole constitutional judges, to wait for an impeachment until the other house should think proper to prefer it. The members of the senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been, that if there was good reason to believe him guilty of an impeachable offence, the house of representatives would perform its constitutional duty by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the representatives of the people. But suppose the suspicion thus implied were actually entertained, and for good cause, how can it justify the assumption by the senate of powers not conferred by the constitution?

It is only necessary to look at the condition in which the senate and the president have been placed by this proceeding, to perceive its utter incompatibility with the provisions and spirit of the constitution, and with the plainest dictates of humanity and justice.

If the house of representatives shall be of opinion that there is just ground for the censure pronounced upon the president, then will it be the solemn duty of that house to prefer the proper accusation, and to cause him to be brought to trial by the constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign system of jurisprudence, to secure in all criminal proceedings, and even in the most

trivial litigations, a fair, unprejudiced, and impartial trial. And surely it can not be less important that such a trial should be secured to the highest officer of the government.

The constitution makes the house of representatives the exclusive judges, in the first instance, of the question whether the president has committed an impeachable offence. A majority of the senate, whose interference with this preliminary question has for the best of all reasons been studiously excluded, anticipate the action of the house of representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case. Thus presenting the appalling spectacle in a free state, of judges going through a labored preparation for an impartial hearing and decision, by a previous *exparte* investigation and sentence against the supposed offender.

There is no more settled axiom in that government whence we derive the model of this part of our constitution, than that "the lords can not impeach any to themselves, nor join in the accusation, *because they are judges*." Independently of the general reason on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of government before a tribunal whose sentence may expel them from their seats, and brand them as infamous, is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty, against the abuses of injustice, and the encroachments of arbitrary power. But the framers of the constitution were also undoubtedly aware that this formidable instrument had been and might be abused; and that from its very nature, an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it, one of the highest solemnity and importance. It was due to both these considerations, that the impeaching power should be lodged in the hands of those who, from the mode of their election and the tenure of their offices, would most accurately express the popular will, and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is, in the present case, effectually defeated by the proceedings of the senate. The members of that body represent not the people, but the states; and though they are undoubtedly responsible to the states, yet, from their extended term of service, the effect of that responsibility, during the whole period of that term, must very much depend upon their own impressions of its obligatory force. When a body, thus constituted, expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the president the offences charged in the resolution. But if, on the other hand, the house of representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that house, of justice as it re-

gards the president, and of the constitution as it relates to both, be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in *which* of "the late proceedings in relation to the public revenue, the president has assumed to himself authority and power not conferred by the constitution and laws." It carefully abstains from specifying what laws or what parts of the constitution have been violated. Why was not the certainty of the offence—"the nature and cause of the accusation"—set out in the manner required in the constitution, before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused, that he might direct his defence to the real points of attack; to the people, that they might clearly understand in what particulars their institutions had been violated; and to the truth and certainty of our public annals. As the record now stands, while the resolution plainly charges upon the president at least one act of usurpation in the "late executive proceedings in relation to the public revenue," and is so framed that those senators who believed that one such act, and only one, had been committed, could assent to it, its language is yet broad enough to include several such acts; and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance, as to exhibit the particular conclusion of fact or law which induced any one senator to vote for it. And it may well have happened, that while one senator believed that some particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or if not expedient, yet still within the pale of the constitution. And thus a majority of the senators may have been enabled to concur in a vague and undefined accusation that the president, in the course of the "late executive proceedings in relation to the public revenue," had violated the constitution and laws, while, if a separate vote had been taken in respect to each particular act included within the general terms, the accusers of the president might, on any such vote, have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked, that the resolution, as originally offered to the senate, specified, with adequate precision, certain acts of the president, which it denounced as a violation of the constitution and laws; and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusations contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities, and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution, it must certainly be regarded, not as a vindication of any particular provision of the law or the constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the executive.

But whatever it may have been intended to accomplish, it is obvious, that the vague, general, and abstract form of the resolution is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established, in statutes, in bills of rights, in sacred charters, and in constitutions of government, the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain.

If the resolution had been left in its original form, it is not to be presumed that it could ever have received the assent of a majority of the senate, for the acts therein specified as violations of the constitution and laws, were clearly within the limits of the executive authority. They are the "dismissing the late secretary of the treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposite with the bank of the United States and its branches in conformity with the president's opinion; and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "executive proceedings in relation to the public revenue," principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority and power, not conferred by the constitution or laws, but in derogation of both." It is, therefore, due to the occasion, that a condensed summary of the views of the executive in respect to them, should be here exhibited.

By the constitution, the "executive power is vested in the president of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling, those who execute the laws—a power in its nature executive—should remain in his hands. It is therefore not only his right, but the constitution makes it his duty to "nominate, and by and with the advice and consent of the senate, appoint" all "officers of the United States, whose appointments are not in the constitution otherwise provided for," with the proviso that the appointment of inferior officers may be vested in the president alone, in the courts of justice, or in the heads of departments.

The executive power vested in the senate is neither that of "nominating" nor "appointing." It is merely a check upon the executive power of appointment. If individuals are proposed for appointment by the president, by them deemed incompetent or unworthy, they may withhold their consent and the appointment can not be made. They check the action of the executive, but can not in relation to these very subjects act themselves nor direct him. Selections are still made by the president; and the negative given to the senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices, shall be filled with worthy and competent men.

The whole executive power being vested in the president, who is responsible for its exercise, it is a necessary consequence that he should

have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the constitution in relation to all executive officers, for whose conduct the president is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the government from which many of the fundamental principles of our system are derived, the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our constitution upon a tenure different from that of all other officers appointed by the executive, unless it be for the same purpose.

But if there were any just ground for doubt on the face of the constitution, whether all executive officers are removable at the will of the president, it is obviated by the contemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789, while organizing the administrative departments of the government, and it was finally decided, that the president derived from the constitution, the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the treasury as well as all the other executive departments, it arose on a motion to strike out of the bill to establish a department of foreign affairs, since called the department of state, a clause declaring the secretary "to be removable from office by the president of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the house of representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference, that this power was exercised by the president in virtue of a grant from Congress, when in fact that body considered it as derived from the constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the department, which declared that "whenever the said principal officer shall be *removed* from office by the president of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress, that the president derived the power of removal from the constitution, the act as it passed has always been considered as a full expression of the sense of the legislature on this important part of the American constitution.

Here, then, we have the concurrent authority of President Washington, of the senate and house of representatives, numbers of whom had taken an active part in the convention which framed the constitution, and in the state convention which adopted it, that the president derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle, the government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the president or by his direction,

embracing every grade of executive officers, from the heads of departments to the messengers of bureaus.

The treasury department, in the discussions of 1789, was considered on the same footing as the other executive departments, and in the act establishing it, the precise words incorporated indicative of the sense of Congress, that the president derives his power to remove the secretary from the constitution, which appear in the act establishing the department of foreign affairs. An assistant secretary of the treasury was created, and it was provided that he should take charge of the books and papers of the department, "whenever the secretary shall be *removed* from office by the president of the United States." The secretary of the treasury being appointed by the president, and being considered as constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an executive officer, the mere instrument of the chief magistrate in the execution of the laws, subject, like all other heads of departments, to his supervision and control. No such idea as an officer of the Congress can be found in the constitution, or appears to have suggested itself to those who organized the government. There are officers of each house, the appointment of whom is authorized by the constitution, but all officers referred to in that instrument, as coming within the appointing power of the president, whether established thereby or created by law, are "officers of the United States." No joint power of appointment is given to the two houses of Congress, nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it devolves by the constitution upon the president, with the advice and consent of the senate, unless it be an inferior office, and the appointment be vested by the law itself "in the president alone, in the courts of law, or in the heads of the departments."

But at the time of the organization of the treasury department, an incident occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the treasury department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the secretary "to digest and report plans for the improvement and management of the revenue, and for the support of public credit," on the ground that it would give the executive department of the government too much influence and power in Congress. The motion was not opposed on the ground that the secretary was the officer of Congress, and responsible to that body, which would have been conclusive, if admitted, but on other grounds, which conceded his executive character throughout. The whole discussion evinces an unanimous concurrence in the principle that the secretary of the treasury is wholly an executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present, the secretary of the treasury, the treasurer, register, comptrollers, auditors, and clerks, who fill the offices of that department, have, in the practice of the government, been considered and treated as on the same footing with the corresponding grades of officers in all the other executive departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department in this and all other governments. In accordance with this principle, every species of property be-

longing to the United States (excepting that which is in the use of the several co-ordinate departments of the government, as means to aid them in performing their appropriate functions) is in charge of officers appointed by the president, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the president, responsible to him, and removable at his will.

Public money is but a species of public property. It can not be raised by taxations or customs, nor brought into the treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the president, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the president, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reasons it shall be removed, as they may direct that supplies for the army or navy shall be kept in particular stores; and it will be the duty of the president to see that the law is faithfully executed—yet will the custody remain in the executive department of the government. Were the Congress to assume, with or without legislative act, the power of appointing officers independently of the president, to take charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our government. But where is the difference in principle, whether the public property be in the form of arms, munitions of war, and supplies, or in gold and silver, or bank-notes? None can be perceived—none is believed to exist. Congress can not, therefore, take out of the hands of the executive department the custody of the public property or money without an assumption of executive power, and subversion of the first principles of the constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the government to the year 1816, the statute book was wholly silent on the subject. In 1789, a treasurer was created, subordinate to the secretary of the treasury, and through him to the president. He was required to give bond safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the government it is found that, from its first organization, the secretary of the treasury, acting under the the supervision of the president, designated the places in which the public moneys should be kept, and specially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816; and although many banks were selected and discharged, and although a portion of the moneys were first placed in the state banks, and then in the former bank of the United States, and upon the dissolution of that, were again transferred to the state banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by executive authority. The secretary of the treasury, responsible to the president, and with his

approbation, made contracts and arrangements in relation to the whole subject-matter, which was thus entirely committed to the direction of the president, under his responsibilities to the American people, and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816, establishing the bank of the United States, directed the deposites of public money to be made in that bank and its branches, in places in which the said bank and branches thereof may be established, "unless the secretary of the treasury should otherwise order and direct," in which event he was required to give his reasons to Congress. This was but a continuation of his pre-existing powers as the head of the executive department, to direct where the deposites should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the secretary of the treasury and the president, as the responsible head of the executive department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities, by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result if, because the person charged by the law with a public duty, is one of the secretaries, it were less the duty of the president to see that law faithfully executed, than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence, and the remedy at hand.

It can not be doubted that it was the legal duty of the secretary of the treasury to order and direct the deposites of the public money to be made elsewhere than in the bank of the United States, *whenever sufficient reasons existed for making the change*. If, in such case, he neglected or refused to act, he would neglect or refuse to execute the law. What would then be the sworn duty of the president? Could he say that the constitution did not bind him to see the law faithfully executed, because it was one of his secretaries, and not himself, upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of state, or the lowest subordinate in any of the departments? Might he not be told, that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law, that the people of the United States have made him their chief magistrate, and the constitution has clothed him with the entire executive power of this government? The principles implied in these questions appear too plain to need elucidation.

But here, also, we have a contemporaneous construction of the act which shows that it was not understood as in any way changing the relations between the president and secretary of the treasury, or as placing the latter out of executive control, even in relation to the deposites of the public money. Nor on this point are we left to any equivocal testimony. The documents of the treasury department show that the secretary of the treasury did apply to the president, and obtained his approbation and sanction to the original transfer of the public deposites to the present bank of

the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposites from the branches of the bank of the United States to state banks, at Chilicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the president, and by his authority. They show that upon all important questions appertaining to his department, whether they related to the public deposites or other matters, it was the constant practice of the secretary of the treasury to obtain for his acts the approval and sanction of the president. These acts, and the principles on which they were founded, were known to all the departments of the government, to Congress, and the country; and, until very recently, appear never to have been called in question.

Thus it was settled by the constitution, the laws, and the whole practice of the government, that the entire executive power is vested in the president of the United States; that as, incident to that power, the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the constitution prescribes, is vested in the president; that the secretary of the treasury is one of those officers; that the custody of the public property and money is an executive function which, in relation to the money, has always been exercised through the secretary of the treasury, and his subordinates; that in the performance of these duties, he is subject to the supervision and control of the president, and in all important measures having relation to them, consults the chief magistrate, and obtains his approval and sanction; that the law establishing the bank did not, as it could not, change the relation between the president and secretary—did not release the former from his obligation to see the law faithfully executed, nor the latter from the president's supervision and control; that afterward, and before, the secretary did in fact consult, and obtain the sanction of the president, to transfers and removals of the public deposites; and that all departments of the government, and the nation itself, approved or acquiesced in these acts and principles, as in strict conformity with our constitution and laws.

During the last year, the approaching termination, according to the provisions of its charter and the solemn decision of the American people, of the bank of the United States, made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the secretary of the treasury, to place the moneys of the United States in other depositories. The secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruption of the bank, so evident its fixed purpose to persevere in them, and so palpable its design, by its money and power, to control the government and change its character, that I deemed it the imperative duty of the executive authority, by the exertion of every power confided to it by the constitution and laws, to check its career, and lessen its ability to do mischief, even in the painful alternative of dismissing the head of one of the departments. At the time the removal was made, other causes sufficient to justify it existed; but if they had not, the secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them, in another situation, and whose generous sacrifices of interest and feeling, when unexpectedly called to the station he now occupies, ought for ever to have shielded his motives from suspicion, and his character from reproach. In accordance with the opinions

long before expressed by him, he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the senate, as originally framed and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If, by a mere denunciation like this resolution, the president should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the senate, the constitutional independence of the executive department would be as effectually destroyed, and its power as effectually transferred to the senate, as if that end had been accomplished by an amendment of the constitution. But if the senate have a right to interfere with the executive powers, they have also the right to make that interference effective ; and if the assertion of the power implied in the resolution be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day, by an attempt at actual enforcement. The senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions ; to pass the necessary laws ; to sanction appropriations proposed by the house of representatives, and to confirm proper nominations made by the president. It has already been maintained (and it is not conceivable that the resolution of the senate can be based on any other principle) that the secretary of the treasury is the officer of Congress, and independent of the president ; that the president has no right to control him, and consequently none to remove him. With the same propriety, and on similar grounds, may the secretary of state, the secretaries of war and the navy, and the postmaster-general, each in succession, be declared independent of the president, and subordinates of Congress, and removable only with the concurrence of the senate. Followed to its consequences, this principle will be found effectually to destroy one coordinate department of the government, to concentrate in the hands of the senate the whole executive power, and to leave the president as powerless as he would be useless, the shadow of authority after the substance had departed.

The time and the occasion which have called forth the resolution of the senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the president exercised, without a question as to his rightful authority, those powers for the recent resumption of which he is now denounced. The vicissitudes of peace and war had attended our government, violent parties, watchful to take advantage of any seeming usurpation on the part of the executive, had distracted our counsels ; frequent removals, or forced resignations in every sense tantamount to removals, had been made by the secretary and other officers of the treasury ; and yet in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion ; but the constitutional right of the president to appoint, control, and remove the head of the treasury, as well as all other departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted ? The bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by

controlling the elections of the people, and the action of the government. The use of its corporate funds and power in that attempt, was fully disclosed; and it was made known to the president that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the election of the people, to control public opinion, and force the government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the government directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the president, incompatible with the public interest and the safety of our institutions, that it should be longer employed as the fiscal agent of the treasury. A secretary of the treasury, appointed in the recess of the senate, who had not been confirmed by that body, and whom the president might or might not at his pleasure nominate to them, refused to do what his superior in the executive department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the bank. And on this occasion it is discovered, for the first time, that those who framed the constitution misunderstood it; that the first Congress and all its successors have been under a delusion; that the practice of nearly forty-five years is but a continued usurpation; that the secretary of the treasury is not responsible to the president, and that to remove him is a violation of the constitution and laws, for which the president deserves to stand for ever dishonored on the journals of the senate.

There are also some other circumstances connected with the discussion and passage of the resolution, to which I feel it to be not only my right but my duty to refer. It appears by the journal of the senate, that among the twenty-six senators who voted for the resolution on its final passage, and who had supported it in debate in its original form, were, one of the senators from the state of Maine, the two senators from New Jersey, and one of the senators from Ohio. It also appears by the same journal, and by the files of the senate, that the legislatures of those states had severally expressed their opinions in respect to the executive proceedings drawn in question before the senate.

The two branches of the legislature of the state of Maine, ou the 25th January, 1834, passed a preamble and series of resolutions in the following words:—

"Whereas, at an early period after the election of Andrew Jackson to the presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States bank; and whereas, the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation, by engaging in political controversies, by wielding its power and influence to embarrass the administration of the general government, and by bringing insolvency and distress upon the commercial community; and whereas, the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and whereas, the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank, and demonstrated that such powers endangered the stability of republican institutions: therefore—

"*Resolved*, That in the removal of the public deposites from the bank of the United States, as well as in the manner of their removal, we recog-

nise in the administration an adherence to constitutional rights, and the performance of a public duty.

"*Resolved*, That this legislature entertain the same opinion as heretofore expressed by preceding legislatures of this state, that the bank of the United States ought not to be rechartered.

"*Resolved*, That the senators of this state in the Congress of the United States be instructed, and the representatives be requested, to oppose the restoration of the deposites and the renewal of the charter of the United States bank."

On the 11th of January, 1834, the house of assembly and council composing the legislature of the state of New Jersey, passed a preamble and a series of resolutions, in the following words :—

"Whereas, the present crisis in our public affairs calls for a decided expression of the voice of the people of this state ; and whereas, we consider it the undoubted right of the legislatures of the several states to instruct those who represent their interests in the councils of the nation, in all matters which intimately concern the public weal, and may affect the happiness or well-being of the people : therefore—

"1. *Be it resolved by the council and general assembly of this state*, That while we acknowledge with feelings of devout gratitude our obligations to the great Ruler of nations for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union ; that we ought, nevertheless, to humble ourselves in his presence and implore his aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

"2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of chief magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

"3. *Resolved*, That we view with agitation and alarm the existence of a great moneyed incorporation, which threatens to embarrass the operations of the government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin throughout the community ; and that we therefore solemnly believe the present bank of the United States ought not to be rechartered.

"4. *Resolved*, That our senators in Congress be instructed, and our members of the house of representatives be requested, to sustain, by their votes and influence, the course adopted by the secretary of the treasury, Mr. Taney, in relation to the bank of the United States and the deposites of the government moneys, believing as we do the course of the secretary to have been constitutional, and that the public good required its adoption.

"5. *Resolved*, That the governor be requested to forward a copy of the above resolutions to each of our senators and representatives from this state, in the Congress of the United States."

On the 21st of February last, the legislature of the same state reiterated the opinions and instructions before given, by joint resolutions, in the following words :—

"*Resolved by the council and general assembly of the state of New Jersey*, That they do adhere to the resolutions passed by them on the 11th

day of January last, relative to the president of the United States, the bank of the United States, and the course of Mr. Taney in removing the government deposites.

"*Resolved*, That the legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof; and it is their wish that they should receive from our senators and representatives of this state in the Congress of the United States that attention and obedience which are due to the opinion of a sovereign state, openly expressed in its legislative capacity."

On the 2d of January, 1834, the senate and house of representatives composing the legislature of Ohio passed a preamble and resolution in the following words:—

"Whereas, there is reason to believe that the bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress: and whereas, it is abundantly evident that the said bank has exercised powers derogatory to the spirit of our free institutions, and dangerous to the liberties of these United States: and whereas, there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia: and whereas, we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: therefore—

"*Resolved by the general assembly of the state of Ohio*, That we consider the removal of the public deposites from the bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

"*Resolved*, also, That we view, with decided disapprobation, the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principle proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations, and unjust in its results.

"*Resolved*, also, That we heartily approve of the principles set forth in the late veto message upon that subject, and

"*Resolved*, That our senators in Congress be instructed, and our representatives requested, to use their influence to prevent the rechartering of the bank of the United States; to sustain the administration in its removal of the public deposites; and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

"*Resolved*, That the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our senators and representatives."

It is thus seen that four senators have declared by their votes that the president, in the late executive proceedings in relation to the revenue, had been guilty of the impeachable offence of "assuming upon himself authority and power not conferred by the constitution and laws, but in derogation of both," while the legislatures of their respective states had deliberately approved those very proceedings, as consistent with the constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the legislatures, as above expressed, there would have been but twenty-two votes out of forty-six for

censuring the president, and the unprecedented record of his conviction could not have been placed upon the journals of the senate.

In thus referring to the resolutions and instructions of the state legislatures, I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them, as well as to the proper vindication of the executive department; and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the president the power of supervising, directing, and removing the secretary of the treasury in like manner with other executive officers, would soon be manifest in practice, were the doctrine to be established. The president is the direct representative of the American people, but the secretaries are not. If the secretary of the treasury be independent of the president in the execution of the laws, then is there no direct responsibility to the people in that important branch of this government, to which is committed the care of the national finances. And it is in the power of the bank of the United States, or any other corporation, body of men, or individuals, if a secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control through him the whole action of government (so far as it is exercised by his department), in defiance of the chief magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though superficially serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the high approbation and allowance by the people, and the practice by the senate, of the unconstitutional power of arraigning and censuring the official conduct of the executive, in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the government; to disturb the harmonious action of its different departments; and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

The honest differences of opinion which occasionally exist between the senate and the president, in regard to matters in which both are obliged to participate, are sufficiently embarrassing. But if the course recently adopted by the senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the president and the senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the senate be submitted to by the president, the confidence of the people in his ability and virtue, and the character and usefulness of his administration will soon be at an end, and the real power of the government will fall into the hands of a body, holding their offices for long terms, not elected by the people, and not to them directly responsible. If, on the other hand, the illegal censures of the senate should be resisted by the president, collisions and angry controversies might ensue, discreditable in their progress, and in the end compelling the people to adopt the conclusion, either that their chief magistrate was unworthy of their respect, or that the senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system, and lead to serious alterations of its framework, or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other departments of the government, and more especially on the states, could not fail to be extensively pernicious. When the judges, in the last resort of official misconduct, themselves overleaped the bounds of their authority, as prescribed by the constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the federal constitution, by one of its most important departments, would hold out the strongest temptations to resistance on the part of the state sovereignties, whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the government, and the states which compose our confederated union, instead of attending to their appropriate duties, and leaving those who may offend to be reclaimed or punished in the manner pointed out in the constitution, would fall to mutual crimination and recrimination, and give to the people confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the constitution, or the states be broken into separate communities.

Far be it from me to charge, or to insinuate, that the present senate of the United States intended, in the most distant way, to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make senators themselves sensible of the danger which lurks under the precedent set in their resolution; and at any rate to perform my duty, as the responsible head of one of the coequal departments of the government, that I have been compelled to point out the consequences to which the discussion and passage of the resolutions may lead, if the tendency of the measure be not checked in its inception. It is due to the high trust with which I have been charged; to those who may be called to succeed me in it; to the representatives of the people, whose constitutional prerogative has been unlawfully assumed; to the people of the states; and to the constitution they have established; that I shall not permit its provisions to be broken down by such an attack on the executive department, without at least some effort "to preserve, protect, and defend them." With this view, and for the reasons which have been stated, I do hereby SOLEMNLY PROTEST against the aforementioned proceedings of the senate, as unauthorized by the constitution; contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of government which it has ordained and established; destructive of the checks and safeguards by which those powers were intended, on the one hand to be controlled, and on the other to be protected; and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the people, a degree of influence and power dangerous to their liberties, and fatal to the constitution of their choice.

The resolution of the senate contains an imputation upon my private as well as upon my public character; and as it must stand for ever on their journals, I can not close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased—in vain have I since perilled property, fame, and life, in defence of the rights and privileges so dearly bought—in vain am I now, without a personal aspiration, or the hope of individual advantage, encoun-

tering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution, which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should cease to molest it. In the history of conquerors and usurpers, never, in the fire of youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence their career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes. The only ambition I can feel is, to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow-men, and live respected and honored in the history of my country. No! the ambition which leads me on is an anxious desire and a fixed determination to return to the people unimpaired, the sacred trust they have confided to my charge; to heal the wounds of the constitution, and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp—protecting all, and granting favors to none—dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires—such a one only under which our states may remain for ages to come, united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed, in some small degree, to increase the value and prolong the duration of American liberty.

To the end that the resolution of the senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the executive department, and to the end, also, that my motives and views in the executive proceedings denounced in that resolution, may be known to my fellow-citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the senate.

SPECIAL MESSAGE.

JUNE 21, 1834.

To the Senate and House of Representatives of the United States:—

THE afflicting intelligence of the death of the illustrious La Fayette has been received by me this morning.

I have issued the general order enclosed, to cause appropriate honors to be paid by the army and navy to the memory of one so highly venera-

ted and beloved by my countrymen, and whom Providence has been pleased to remove so unexpectedly from the agitating scenes of life.

(GENERAL ORDER.)

Information having been received of the death of General La Fayette, the president considers it due to his own feelings, as well as to the character and services of that lamented man, to announce this event to the army and navy.

La Fayette was a citizen of France, but he was the distinguished friend of the United States. In early life he embarked in that contest which gave freedom and independence to our country. His services and sacrifices constitute a part of our revolutionary history, and his memory will be second only to that of Washington in the hearts of the American people. In his own country, and in ours, he has been the zealous and uniform friend and advocate of rational liberty. Consistent in his principles and conduct, he never, during a long life, committed an act which exposed him to just accusation, or which will expose his memory to reproach. Living at a period of great excitement, and of moral and political revolutions, engaged in many of the important events which fixed the attention of the world, and called to guide the destinies of France at two of the most momentous eras of her history, his political integrity and personal disinterestedness have never been called in question. Happy in such a life, he has been happy in his death. He has been called from the theatre of action with faculties unimpaired, with a reputation unquestioned, and an object of veneration wherever civilization and the rights of man have extended; and mourning, as we may and must, his departure, let us rejoice that this associate of Washington has gone, as we humbly hope, to rejoin his illustrious commander, in the fulness of days and of honor.

He came in his youth to defend our country. He came in the maturity of his age to witness her growth in all the elements of prosperity; and, while witnessing these, he received those testimonials of national gratitude which proved how strong was his hold upon the affections of the American people.

One melancholy duty remains to be performed. The last major-general of the revolutionary army has died. Himself a young and humble participator in the struggles of that period, the president feels himself called on, as well by personal as public considerations, to direct that appropriate honors be paid to the memory of this distinguished patriot and soldier. He therefore orders, that the same honors be rendered upon this occasion, at the different military and naval stations, as were observed upon the decease of Washington, the father of his country, and his contemporary in arms. In ordering this homage to be paid to the memory of one so eminent in the field, so wise in council, so endeared in private life, and so well and favorably known to both hemispheres, the president feels assured that he anticipates the sentiments, not of the army and navy only, but of the whole American people.

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1834.

Fellow-Citizens of the Senate and House of Representatives:—

IN performing my duty at the opening of your present session, it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions, our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the senate for the establishment of a line according to the treaty of 1783, has not been accepted by that government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark, the best understanding exists. Commerce with all is fostered and protected by reciprocal good-will, under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties, the queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances, and to the wise councils of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new governments established in this hemisphere. I have the great satisfaction of stating to you that, in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language, the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties, and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties levied to the prejudice of our navigation, in Cuba and Porto Rico, has been transmitted to the minister of the United States at Madrid, to be communicated to the government of the queen. No intelligence of its receipt has yet reached the department of state. If the present condition of the country permits the government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana, to return with all that he can obtain, so that they may be in Washington before the session of the supreme court, to be used in the legal questions there pending, to which the government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long subsisting friendship with that power affords the strongest guarantee that the balance due will receive prompt attention.

The first instalment due under the convention of indemnity with the king of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment; an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims, and the anxiety displayed to fulfil at once the stipulations made for the payment of them, are highly honorable to the government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power, temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances can not fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message, as sanctioned by the senate, but the ratifications of which had not been exchanged, owing to a delay in its reception at Brussels, and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions, on questions of general maritime law.

Our newly-established relations with the Sublime Porte promise to be useful to our commerce, and satisfactory in every respect to this government. Our intercourse with the Barbary powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul, and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction, as its stipulations are just and liberal, and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere, which have separated themselves from Spain. When

a firm and permanent understanding with the parent-country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice, and their devotion to those peaceful arts, the assiduous cultivation of which confers honor upon nations, and gives value to human life. In the meantime, I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power, will not be realized. With all these governments, and with that of Brazil, no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States—sometimes from the irregular action of the constituted subordinate authorities of the maritime regions, and sometimes from the leaders or partisans of those in arms against the established governments. In all cases, representations have been or will be made; and as soon as their political affairs are in a settled position, it is expected that our friendly remonstrances will be followed by adequate redress.

The government of Mexico made known in December last, the appointment of commissioners and surveyors on its part, to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated—the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed in January last, to negotiate in Mexico an article additional to the pre-existing treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received, that additional article to the treaty will be obtained and transmitted to this country, as soon as it can receive the ratification of the Mexican congress.

The reunion of the three states of New Grenada, Venezuela, and Equador, forming the republic of Colombia, seems every day to become more improbable. The commissioners of the first two are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose, at an early day, to submit, in the proper form, the appointment of a diplomatic agent to Venezuela; the importance of the commerce of that country to the United States, and the large claims of our citizens upon the government, arising before and since the division of Colombia, rendering it, in my judgment, improper longer to delay the step.

Our representatives to Central America, Peru, and Brazil, are either at, or on their way, to their respective posts.

From the Argentine republic, from which a minister was expected to this government, nothing further has been heard. Occasion has been taken, on the departure of a new consul to Buenos Ayres, to remind that government that its long-delayed minister, whose appointment has been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this specific and highly gratifying picture of our foreign relations does not include those

with France at this time. It is not possible that any government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation, than are those of the United States with their ancient ally and friend. This disposition is founded, as well on the most grateful and honorable recollections associated with our struggle for independence, as upon a well-grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see, without the deepest regret, even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated, if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this government has been characterized by a spirit so conciliatory and forbearing, as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance, on the part of the French government, in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce, committed by authority of the existing governments of France, between the years 1800 and 1817, has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French government by whom the justice and legality of the claims of our citizens to indemnity were not, to a very considerable extent, admitted; and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made, would have been effected, had not the revolution, by which the negotiation was cut off, taken place. The discussions were resumed with the present government, and the result showed that we were not wrong in supposing that an event by which the two governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject, a treaty between the two governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the United States, who shall distribute it among those entitled, in the manner and according to the rules it shall determine;" and it was also stipulated, on the part of the French government, that this twenty-five millions of francs should "be paid at Paris in

six annual instalments of four millions, one hundred and sixty-six thousand, six hundred and sixty-six francs, and sixty-six centimes each, into the hands of such person or persons as shall be authorized by the government of the United States to receive it." The first instalment to be paid ' at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated, on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France on behalf of its citizens, that the sum of one million five hundred thousand francs should be paid to the government of France, in six annual instalments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following articles, viz. : " The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the states of the Union, at duties which shall not exceed the following rates by the gallon (such as is used at present for wines in the United States), to wit : six cents for red wines in casks ; ten cents for white wines in casks ; and twenty-two cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained in case the government of the United States should think proper to diminish those general rates in a new tariff.

" In consideration of this stipulation, which shall be binding on the United States for ten years, the French government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons."

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratifications were exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations, it was, within five days thereafter, laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution ; and France has, from that period to the present, been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged, through its constitutional organ, for the liquidation and ultimate payment of the long-deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done everything that was necessary to carry the treaty into full and fair effect on their part, counted, with the most perfect confidence, on equal fidelity and promptitude on the part of the

French government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnities to be paid, or the commercial benefits to be secured to the United States, and the relations between the United States and that power, in consequence thereof, are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French government been thus wanting in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th of April, 1832. The French chambers were then sitting, and continued in session until the 21st of that month; and although one instalment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the chambers for the required appropriation, and, in consequence of no appropriation having then been made, the draft of the United States government for that instalment was dishonored by the minister of finance, and the United States thereby involved in much controversy. The next session of the chambers commenced on the 19th of November, 1832, and continued until the 25th of April, 1833. Notwithstanding the omission to pay the first instalment had been made the subject of earnest remonstrance on our part, the treaty with the United States, and a bill making the necessary appropriations to execute it, were not laid before the chamber of deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no further action upon it. The next session of the chambers commenced on the 26th of April, 1833, and continued until the 25th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected, are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens, is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown, to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect, was well known at the time—a sacrifice which was cheerfully acquiesced in by the different branches of the federal government, whose action upon the treaty was required, from a sincere desire to avoid further collision upon this old and disturbed subject, and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris, about the 15th day of May last, might have been considered the final determination of the French government not to

execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the chambers to make the appropriation, were conveyed the regrets of the king, and a declaration that a national vessel should be forthwith sent out, with instructions to the French minister to give the most ample explanations of the past, and the strongest assurances for the future. After a long passage, the promised despatch vessel arrived. The pledges given by the French minister, upon receipt of his instructions, were, that as soon after the election of the new members as the charter would permit, the legislative chambers of France should be called together, and the proposition for an appropriation laid before them; that all the constitutional powers of the king and his cabinet should be exerted to accomplish the object; and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the king and his cabinet, and above all, that sacred regard for the national faith and honor for which the French character has been so distinguished, would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new chambers met on the 31st of July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the king or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the chambers. This point, however, might have been overlooked, had not the chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution To avoid this delay, our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances, on the part of the executive government of France, of their intention to press the appropriation at the ensuing session of the chambers.

The executive branch of this government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this government; and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French chamber, no further consideration of the subject will, at this session, probably be required at your hands. But if, from the original delay

in asking for an appropriation; from the refusal of the chambers to grant it when asked; from the omission to bring the subject before the chambers at their last session; from the fact that, including that session, there have been five different occasions when the appropriation might have been made; and from the delay in convoking the chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French government, in all its branches, to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises, what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our government as they are the interest of our people. But these objects are not to be permanently secured, by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France, by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage, may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful, and to my mind conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France, without at the same time, in some degree, embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the government, and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the government of the United States, with the view of injuring France, the clear perception of right which will induce our own people, and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just, will be obscured, and the support rendered to us, in a final resort to more decisive measures, will be more limited and equivocal. There is but one point in the controversy, and upon that, the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money, which she has acknowledged to be due; and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered, and that not the slightest pretence should be given to France to persist in her refusal to make payment, by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that, when France fulfils her treaty stipulations, all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused, or longer delayed, take redress into their own hands. After the delay on the part of France, of a quarter of a century, in acknowledging these claims by treaty, it is not to

be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself toward Portugal, under circumstances less unquestionable.

The time at which resort should be had to this, or any other mode of redress, is a point to be decided by Congress. If an appropriation shall not be made by the French chambers at their next session, it may justly be concluded that the government of France has finally determined to disregard its own solemn undertaking, and refuse to pay an acknowledged debt. In that event, every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect anything from her fears, and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it only as the evidence of an inflexible determination on the part of the United States to insist on their rights. That government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands, and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice, and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations, and to the retributive judgments of Heaven.

Collision with France is the more to be regretted, on account of the position she occupies in Europe in relation to liberal institutions. But, in maintaining our national rights and honor, all governments are alike to us. If, by a collision with France, in a case where she is clearly in the wrong, the march of liberal principles shall be impeded, the responsibility for that result, as well as every other, will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether, after what has taken place, it will still await the further action of the French chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the executive, as far as he is authorized so to do.

According to the estimates of the treasury department, the revenue accruing from all sources, during the present year, will amount to twenty

millions six hundred and twenty-four thousand seven hundred and seventeen dollars, which, with the balance remaining in the treasury on the 1st of January last, eleven millions seven hundred and two thousand nine hundred and five dollars, produces an aggregate of thirty-two millions three hundred and twenty-seven thousand six hundred and twenty-three dollars. The total expenditure during the year for all objects, including the public debt, is estimated at twenty-five millions five hundred and ninety-one thousand three hundred and ninety dollars, which will leave a balance in the treasury on the 1st of January, 1835, of six millions seven hundred and thirty-six thousand two hundred and thirty-two dollars. In this balance, however, will be included about one million one hundred and fifty thousand dollars of what was heretofore reported by the department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year, eight millions and two thousand nine hundred and twenty-five dollars, and that of this sum there will not be required more than five millions one hundred and forty-one thousand nine hundred and sixty-four dollars, to accomplish the objects of all the current appropriations. Thus it appears that, after satisfying all those appropriations, and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the treasury an effective balance of about four hundred and forty thousand dollars. That such should be the aspect of our finances, is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interest to consult in our intercourse with foreign powers, the present may be hailed as that epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our republic, and secure the blessings of freedom to our citizens. Among these principles, from our past experience it can not be doubted that simplicity in the character of the federal government, and a rigid economy in its administration, should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from every exercise of the taxing power; and that it was, in this respect, a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligations of which all portions of the Union cheerfully acknowledged, it must be obvious that whatever is calculated to increase the burdens of government without necessity, must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt, and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy, which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy, and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers

of the government, and suggested by the wants of the country. Properly regarded under such a policy, every diminution of the public burdens, arising from taxation, gives to individual enterprise increased power, and furnishes to all the members of our happy confederacy new motives for patriotic affection and support. But, above all, its most important effect will be found in its influence upon the character of the government, by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the bank of the United States. Created for the convenience of the government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest; the extraordinary extension and contraction of its accommodations to the community; its corrupt and partisan loans; its exclusion of the public directors from a knowledge of its most important proceedings; the unlimited authority conferred on the president to expend its funds in hiring writers, and procuring the execution of printing, and the use made of that authority; the retention of the pension money and books after the selection of new agents; the groundless claim to heavy damages, in consequence of the protest of the bill drawn on the French government, have, through various channels, been laid before Congress. Immediately after the close of the last session, the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment, and the interruption of domestic exchanges, which it had practised upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this renunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposites, and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting, through the sufferings of the people, the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the affliction; that the energies of our people soon found relief from this wanton tyranny, in vast importations of the precious metals from almost every part of the world; and that, at the close of this tremendous effort to control our government, the bank found itself powerless, and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries; so that, on the 1st of October last, the extraordinary spectacle was presented of a national bank, more than one half of whose capital was either lying unproductive in its vaults, or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress has since been added the open seizure of the dividends on the public stock, to the amount of one hundred and seventy thousand and forty-one dollars, under pretence of paying damages, cost, and interest, upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collec-

tors would seize on the customs, or the receivers of our land offices on the moneys arising from the sale of public lands, under pretences of claims against the United States, as that the bank would have retained the dividends. Indeed, if the principle be established that any one who chooses to set up a claim against the United States may, without authority of law, seize on the public property or money wherever he can find it, to pay the claim, there will remain no assurance that our revenue will reach the treasury, or that it will be applied after the appropriation to the purposes designated in the law. The paymasters of our army and the pursers of our navy, may, under like pretences, apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defence. This measure resorted to by the bank is disorganizing and revolutionary, and, if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence.

It is a constitutional provision, that "no money shall be drawn from the treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever, which shall not have been first approved by the representatives of the people and the states in Congress assembled. It vests the power of declaring for what purpose the public money shall be expended in the legislative department of the government, to the exclusion of the executive and judicial, and it is not within the constitutional authority of either of those departments to pay it away without law, or to sanction its payment. According to this plain constitutional provision, the claim of the bank can never be paid without an appropriation by act of Congress. But the bank has never asked for an appropriation. It attempts to defeat the provisions of the constitution, and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both houses, and approved by the president, it makes an appropriation for itself, and invites an appeal to the judiciary to sanction it. That the money has not technically been paid into the treasury, does not affect the principle intended to be established by the constitution. The executive and judiciary have as little right to appropriate and expend the public money without authority or law, before it is placed to the credit of the treasurer, as to take it from the treasury. In the annual report of the secretary of the treasury, and in his correspondence with the president of the bank, and the opinion of the attorney-general accompanying it, you will find a further examination of the claim of the bank, and the course it has pursued.

It seems due to the safety of the public funds remaining in that bank, and to the honor of the American people, that measures be taken to separate the government entirely from an institution so mischievous to the public prosperity, and so regardless of the constitution and laws. By transferring the public deposites, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks in payment of the public dues after the first day of January next, the executive has exerted all its lawful authority to sever the connexion between the government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this government, duties of the gravest and most imperative character—duties which they can not avoid, and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge

those which may rightfully fall on me. To continue any business relations with the bank of the United States, that may be avoided without a violation of the national faith, after that institution has set at open defiance the conceded right of the government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly-expressed will of the people, by turning against them the immense power intrusted to its hands, and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress; would make the nation itself a party to the degradation so sedulously prepared for its public agents, and do much to destroy the confidence of mankind in popular governments, and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provisions of the charter requiring the receipt of notes of the bank in payment of public dues, shall, in accordance with the power reserved to Congress in the 14th section of the charter, be suspended until the bank pays to the treasury the dividends withheld; and that all laws, connecting the government or its officers with the bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a national bank far overbalance all its advantages. The bold effort the present bank has made to control the government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people, should they be deluded into a perpetuation of this institution, or the establishment of another like it. It is fervently hoped that, thus admonished, those who have heretofore favored the establishment of a substitute for the present bank, will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected, than to concentrate the whole moneyed power of the republic, in any form whatsoever, under any restrictions.

Happily, it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the government. The state banks are found fully adequate to the performance of all services which were required of the bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves, and discharged all these duties, while the bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposites in the state banks by law. Although the power now exercised by the executive department in this behalf, is only such as was uniformly exerted through every administration, from the origin of the government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power

of Congress to direct in what places the treasurer shall keep the moneys in the treasury, and to impose restrictions upon the executive authority in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the president or secretary of the treasury over those institutions which, being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the bank of the United States to agitate and convulse the country for upward of two years.

The progress of our gold coinage is creditable to the officers of the mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travellers of the want of a general paper currency, should the state banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates, and not a doubt is entertained that in a short period, all the wants of the country, in bank accommodations and in exchange, will be supplied as promptly and cheaply as they have heretofore been by the bank of the United States. If the several states shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall, in a few years, have a currency as sound, and as little liable to fluctuations, as any other commercial country.

The report of the secretary of war, together with accompanying documents from the several bureaus of that department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session, rendering necessary any movements of the army, with the exception of the expedition of the regiment of dragoons into the territory or the wandering and predatory tribes inhabiting the western frontier, and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens, and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers, to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Colonel Dodge, and the troops under his command, have acted with equal firmness and humanity, and an arrangement has been made with those Indians, which it is hoped will insure their permanent pacific relations with the United States, and the other tribes of Indians upon that border.

It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that of General Leavenworth, an officer well known and esteemed for his gallant services during the late war, and for subsequent good conduct, who has fallen a victim to his zeal and exertions in the discharge of his duty.

The army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient, under its present organization, for providing the necessary garrisons for the seaboard, and for the defence of the internal frontier, and also for preserving the elements of

military knowledge, and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger, and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the engineer department, and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has, during this season, taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. How long the personal causes which have hitherto retarded that ultimately inevitable measure will continue to operate, I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils, which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of tribes yet living among us. The facility with which the necessaries of life are procured, and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all, and destroyed many of the tribes, can not fail to stimulate their exertions, and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs, have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session, that a great reduction will take place in the expenditures of the department in consequence of these laws. And there is reason to believe that their operation will be salutary, and that the colonization of the Indian on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service, and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed, showing the existence of extensive frauds under the various laws granting pensions and gratuities for revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the national treasury. I am satisfied, however, that it has been such as to justify a re-examination of the system, and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding, the attestations and certificates of judicial officers of the various states form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been and may be fabricated, and in such a way as to elude detection at the examining offices; and independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry; and in one instance, at least, the

seal of the court has been within reach of a person most interested in its improper application. It is obvious that under such circumstances, no severity of administration can check the abuse of the law; and information has from time to time been communicated to the pension office, questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to, and examined, but a far more general investigation is called for; and I therefore recommend, in conformity with the suggestion of the secretary of war, that an actual inspection should be made in each state, into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected, and the public treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold:—

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the claimants themselves, and by inquiring in the vicinity of their residence into their history, and into the opinion entertained of their revolutionary services;

2. To ascertain, in all cases, whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion, that all payments should be suspended till the necessary reports are received.

It will be seen by a tabular statement annexed to the documents transmitted to Congress, that the appropriations for objects connected with the war department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of two hundred thousand dollars for arming and equipping the militia, and the appropriation of ten thousand dollars for the civilization of the Indians, which are not annually renewed, amounted to the sum of nine millions three thousand two hundred and sixty-one dollars, and that the estimates of appropriations necessary for the same branches of service for the year 1835, amount to the sum of five millions seven hundred and seventy-eight thousand nine hundred and sixty-four dollars, making a difference in the appropriations of the current year over the estimates of the appropriations for the next, of three millions two hundred and twenty-four thousand two hundred and ninety-seven dollars.

The principal causes which have operated at this time to produce this great difference, are shown in the reports and documents, and in the detailed estimates. Some of these causes are accidental and temporary, while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires, and withholding where it does not, is among the indispensable duties of the government.

I refer you to the accompanying report of the secretary of the navy, and to the documents with it, for a full view of the operations of that important branch of our service during the present year. It will be seen that the

wisdom and liberality with which Congress have provided for the gradual increase of our navy material, have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject; and that but a short period would be now required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that, in the event of conflicts with them, we must look chiefly to our navy for the protection of our national rights. The wide seas which separate us from other governments, must of necessity be the theatre on which an enemy will aim to assail us, and, unless we are prepared to meet him on this element, we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch with too much attention this arm of our defence, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels, and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry-dock described by the secretary of the navy, and also the construction of the steam-batteries to which he has referred, for the purpose of testing their efficiency as auxiliaries to the system of defence now in use.

The report of the postmaster-general, herewith submitted, exhibits the condition and prospects of that department. From that document it appears that there was a deficit in the funds of the department, at the commencement of the present year, beyond its available means, of three hundred and fifteen thousand five hundred and ninety-nine dollars and ninety-eight cents, which, on the first of July last, had been reduced to two hundred and sixty-eight thousand and ninety-two dollars and seventy-four cents. It appears, also, that the revenues for the coming year will exceed the expenditures about two hundred and seventy thousand dollars, which, with the excess of the revenue which will result from the operations of the current half-year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which have accrued within the period embraced by the times of striking the balances, it is obvious that, without a progressive increase in the amount of postages, the existing retrenchments must be persevered in through the year 1836, that the department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the postoffice department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than a hundred thousand dollars. This is attributed, in a great degree, to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive officers to which it has been granted; and by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restrictions under which it is granted, would operate beneficially to the country, by enabling the depart-

ment at an early period to restore the mail facilities which have been withdrawn, and to extend them more widely, as the growing settlement of the country may require.

To a measure so important to the government, and so just to our constituents, who ask no exclusive privileges for themselves, and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the postoffice department, and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to executive control and individual discretion. The principle is as sound in relation to this as to any other department of the government, that as little discretion should be confided to the executive officer who controls it, as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an auditor and treasury of its own, appointed by the president and senate, who shall be branches of the treasury department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the federal judiciary throughout the several states, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one fourth of the states without circuit courts.

It is undoubtedly the duty of Congress to place all the states on the same footing in this respect, either by the creation of an additional number of associate judges, or by an enlargement of the circuits assigned to those already appointed, so as to include the new states. Whatever may be the difficulty in a proper organization of the judicial system, so as to secure its efficiency and uniformity in all parts of the Union, and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendations I have so often submitted to your attention, in regard to the mode of electing the president and vice-president of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure, in all contingencies, that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the treasury department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided, and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers, and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled, "An act to improve the navigation of the Wabash river," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld

from it my approval, and now return it to the senate, the body in which it originated.

There can be no question connected with the administration of public affairs, more important, or more difficult to be satisfactorily dealt with, than that which relates to the rightful authority and proper action of the federal government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject, and, in adverting to it again, I can not refrain from expressing my increased conviction of its extreme importance, as well in regard to its bearing upon the maintenance of the constitution, and the prudent management of the public revenue, as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the constitution, by which encroachmonts are made upon the personal rights of the citizens. The sentence of condemnation long since pronounced by the American people upon acts of that character, will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages, and bring in their train the patronage of the government, we are, I fear, not so safe. To suppose that, because our government has been instituted for the benefit of the people, it must therefore have the power to do whatever may seem to conduce to the public good, is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy, they overlook the great considerations in which the federal constitution was founded. They forget that, in consequence of the conceded diversities in the interest and condition of the different states, it was foreseen, at the period of its adoption, that, although a particular measure of the government might be beneficial and proper in one state, it might be the reverse in another—that it was for this reason the states would not consent to make a grant to the federal government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact, then so solemnly, and as it was hoped, so firmly established. In addition to the dangers to the constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants, it is not surprising that the acts and pretensions of the federal government, in this behalf, should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

1. To the power of making internal improvements within the limits of a state, with the right of territorial jurisdiction, sufficient at least for their preservation and use;

2. To the right of appropriating money in aid of such works when carried on by a state, or by a company in virtue of state authority, surrendering the claim of jurisdiction; and,

3. To the propriety of appropriations for improvements of a particular class, viz for lighthouses, beacons, buoys, public piers, and for the removal

of sandbars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the general government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys, common to all, there is superadded to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the state and federal governments, in the absence of a constitutional provision marking out their respective boundaries, can not be doubted. The local advantages to be obtained would induce the states to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the federal government would soon be regarded with jealousy by the state authorities, and originating, as they must, from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with state sovereignty, would be increased, and those barriers which resist the tendency of our system toward consolidation, greatly weakened. The officers and agents of the general government might not always have the discretion to abstain from intermeddling with state concerns; and if they did, they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the general government and each member of the confederacy, would be frequently interrupted; a spirit of contention would be engendered; and the dangers of division greatly multiplied.

Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time, apparently, proceeding to its final establishment with fearful rapidity. The desire to embark the federal government in works of internal improvement, prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington turnpike company, passed the two houses, there had been reported by the committees on internal improvements, bills containing appropriations for such objects, exclusive of those for the Cumberland road, and for harbors and lighthouses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the secretary of the treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this government. In addition to these projects, which have been presented to the two houses under the sanction and recommendation of their respective committees on internal improvements, there were then still pending before the committees, and in memorials to Congress, presented, but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded one hundred millions of dollars.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington turnpike company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive

the bands of the Union asunder; and believing that, if its passage was acquiesced in by the executive and the people, there would no longer be any limitation upon the authority of the general government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the executive approval. Although, from the obviously local character of that work, I might well have contented myself with a refusal to approve the bill upon that ground, yet, sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress, and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprize Congress that, in my opinion, the constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a state, and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two houses and myself, and that the harmonious action of the several departments of the federal government in regard to it would be ultimately secured.

So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads and canals, which were formerly multiplied upon your files, are no longer presented; and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character, we can not, I trust, have anything further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character, and prosecuted under state authority, assuming that Congress have the right to do so, were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress, until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the constitution, prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without

impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that, at the first session of Congress under the new constitution, it was provided by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the treasury of the United States; and further, that it be the duty of the secretary of the treasury to provide by contracts, with the approbation of the president, for rebuilding when necessary and keeping in good repair the lighthouses, beacons, buoys, and public piers, in the several states, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of lighthouses, the placing, planting and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and the harbors upon our great lakes, as well as on the seaboard. Although I expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled, "An act to improve the navigation of the Wabash river;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprized, and without throwing the subject again open to abuses which no good citizen, entertaining my opinions, could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing, as I have done, on this, and other

occasions, checks to a course of legislation which, without, in the slightest degree, calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them can not be reasonably expected. The attempt will meet with resistance where it might otherwise receive support; and instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion.

SPECIAL MESSAGE.

DECEMBER 4, 1834.

To the Senate and House of Representatives:—

I TRANSMIT to Congress a communication addressed to me by Mr. George Washington La Fayette, accompanying a copy of the declaration of independence, engraved on copper, which his illustrious father bequeathed to Congress, to be placed in their library, as a last tribute of respect, patriotic love, and affection for his adopted country.

I have a mournful satisfaction in transmitting this precious bequest of that great and good man, who, through a long life, under many vicissitudes, and in both hemispheres, sustained the principles of civil liberty, asserted in that memorable declaration, and who, from his youth to the last moment of his life, cherished for our beloved country the most generous attachment.

SPECIAL MESSAGE.

DECEMBER 10, 1834.

To the Senate and House of Representatives of the United States:—

THE joint resolutions of Congress, unanimously expressing their sensibility on the intelligence of the death of General La Fayette, were communicated, in compliance with their will, to George Washington La Fayette, and the other members of the family of that illustrious man.

By their request, I now present the heartfelt acknowledgments of the surviving descendants of our beloved friend for that highly-valued proof of the sympathy of the United States.

SPECIAL MESSAGE.

FEBRUARY 25, 1835.

To the Senate and House of Representatives of the United States.—

I TRANSMIT to Congress a report from the secretary of state, with copies of all the letters received from Mr. Livingston since the message to the house of representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French government in Paris, or in Washington, except a note of M. Serrurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France, with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the chambers.

The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendations, being confident that on their part, everything will be done to maintain the rights and honor of the country which the occasion requires.

SEVENTH ANNUAL MESSAGE.

DECEMBER 2, 1835.

Fellow-Citizens of the Senate and House of Representatives:—

IN discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns, and the devout hope which I cherish that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest of the past, that, if true to ourselves, there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the states of the old world, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus

gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the government or the people of the United States; and that the testimony which our experience thus far holds out to the great human family, of the practicability and the blessings of free government, will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards; in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions of this pleasing prospect at home, which will not yield to the spirit of harmony and good-will that so strikingly pervades the mass of the people in every quarter, amid all the diversity of interest and pursuits to which they are attached; and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and forbearance that mark our intercourse with foreign powers, we have every reason to feel proud of our beloved country.

The general state of our foreign relations has not materially changed since my last annual message.

In the settlement of the question of the northeastern boundary, little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the government of Great Britain, which has been invited, I can only repeat the expression of my confidence that, with the strong mutual disposition which I believe exists to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the northeastern frontier, of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will, no doubt, have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the queen's government will permit the proper attention to the subject of them. That government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The instalments due under the convention with the king of the Two Sicilies, have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this

struggle has unhappily been, by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by it, been placed in the possession of the United States, and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the government of Madrid on this subject, and the lamented death of our recently-appointed minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the commissioners, at a critical moment, embarrassed the progress of the delivery of them. The higher officers of the local government have recently shown an anxious desire, in compliance with the orders from the parent government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid, for the establishment of a lasting peace between Spain and such of the Spanish American governments of this hemisphere as have availed themselves of the intimation given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted, that simultaneous appointments, by all, of ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark, stand on the usual favorable basis. One of the articles of our treaty with Russia, in relation to the trade on the northwest coast of America having expired, instructions have been given to our minister at St. Petersburg to negotiate a renewal of it. The long unbroken amity between the two governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than, with our view of the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the house of representatives on the 10th of January, 1825, and 18th January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, a respect for his reference of it to the legislature has long prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes, on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland, upon whose vessels

no discrimination is made in the ports of the United States. Giving the same privileges, the Belgians expect the same benefits—benefits that were in fact enjoyed when Belgium and Holland were united under one government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans; and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality, by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made has in my judgment failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality, on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly powers.

With the Sublime Porte, and all the governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco

The Argentine republic has again promised to send, within the current year, a minister to the United States.

A convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded, and will be submitted to the senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing, and powerful inducements held out to the citizens of the United States, to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorney of the United States where indications warranted, to prosecute, without respect to persons, all who might attempt to violate the obligation of our neutrality; while at the same time it has been thought necessary to apprize the government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chili, Peru, Central America, Venezuela, and New Grenada, constant assurances are received of the continued good understanding with the governments to which they are severally accredited. With those governments upon which our citizens have valid and accumulating claims, scarcely an advance toward the settlement of them is made, owing mainly to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be still further, severely tried; but our fellow-citizens whose interests are involved, may confide in the determination of the government to obtain for them eventually ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tortured by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is erected to justify expectation of redress—ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continue much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without

waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her legislature, and the money has been appropriated for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstance out of which they arose, are too familiar to the American people to require description. It is sufficient to say, that for a period of ten years and upward, our commerce was, with but little interruption, the subject of constant aggression on the part of France—aggressions, the ordinary features of which were condemnation of vessels and cargoes, under arbitrary decrees, adopted in contravention as well of the laws of nations as of treaty stipulations; burnings on the high seas; and seizures and confiscations, under special imperial rescripts, in the ports of other nations occupied by the armies or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered—wrongs in many cases so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact that, after the burning of a large amount at sea, and the necessary deterioration in other cases by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upward of twenty-four millions of francs, besides large customhouse duties.

The subject has already been an affair of twenty years' uninterrupted negotiation, except for a short time when France was overwhelmed by the military power of united Europe. During this period, when other nations were extorting from her, payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious; and the line of duty was to my mind equally so. This was, either to insist upon the adjustment of our claims within a reasonable period, or to abandon them altogether. I could not doubt that, by this course, the interests and honor of both countries would be best consulted. Instructions were therefore given in this spirit to the minister who was sent out once more to demand reparation. Upon the meeting of Congress in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The then French ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the French government to negotiate. The American minister, of his own accord, refuted the construction which was attempted to be put upon the message, and at the same time called to the recollection of the French

ministry, that the president's message was a communication addressed not to foreign governments, but to the Congress of the United States, in which it was enjoined upon him by the constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as domestic relations; and, that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress, in due time, to what might be the possible consequences of existing difficulties with any foreign government, he might fairly be supposed to do so under a sense of what was due from him, in a frank communication with another branch of his own government, and not from any intention of holding a menace over a foreign power.

The views taken by him received my approbation, the French government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognising the justness of our claims, in part, and promising payment to the amount of twenty-five millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged in Washington on the 2d of February, 1832; and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the king of the French, in terms which are certainly not mere matters of form, and of which the translation is as follows: "We, approving the above convention, in all and each of the dispositions which are contained in it, do declare, by ourselves as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a king, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris while the chambers were in session. The extraordinary, and to us injurious, delays of the French government, in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without anything like a serious attempt to obtain a decision upon the subject; and that it was not until the fourth session, almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the meantime, the government of the United States having full confidence that a treaty entered into and so solemnly ratified by the French king, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment, which was to become due on the second day of February, 1833, negotiated a draft for the amount through the bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the government of France allowed it to be protested. In addition to the injury in the non-payment of the money by France, conformably to her agreement, the United States were exposed to a heavy claim on the part of the bank, under pretence of damages, in sat-

isfaction of which that institution seized upon, and still retains, an equal amount of the public moneys. Congress was in session when the decision of the chambers reached Washington; and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the president. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that, by doing so, neither the interest nor the honor of my country would be compromitted. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation, would be such as I have described them to have been, was foreseen by the French government, and prompt measures were taken by it to prevent the consequences. The king in person expressed, through our minister in Paris, his profound regret at the decision of the chambers, and promised to send, forthwith, a national ship with despatches to his minister here, authorizing him to give such assurances as would satisfy the government and people of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the minister received his instructions.

Claiming to act under the authority derived from them, he gave to this government, in the name of his, the most solemn assurances that, as soon after the new elections as the charter would permit, the French chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the king and his ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this government at the time, to engage that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promise thus solemnly made to this government by that of France, were not realized. The French chambers met on the 31st of July, 1834, soon after the election; and although our minister in Paris urged the French ministry to bring the subject before them, they declined doing so. He next insisted that the chambers, if prorogued without acting on the subject, should be reassembled at at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the chambers were prorogued to the 29th of December, a day so late, that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress, by the constitution. The reasons given by the ministry for refusing to convoke the chambers

at an earlier period, were afterward shown not to be insuperable, by their actual convocation on the 1st of December, under a special call for domestic purposes; which fact, however, did not become known to this government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as, in my judgment, the occasion called for. To this end an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk, in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others would have been unworthy of us. To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper. Admonished, by the past, of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had by their position become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect anything from her fears. The message did not reach Paris until more than a month after the chambers had been in session; and such was the insensibility of the ministry to our rightful claims and just expectations, that our minister had been informed that the matter, when introduced, would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French government, and notwithstanding the declaration to the contrary which it contained, the French ministry decided to consider the conditional recommendation of reprisals, a menace and an insult which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were the immediate recall of their minister at Washington, the offer of passports to the American minister at Paris, and a public notice to the legislative chambers that all diplomatic intercourse with the United States had been suspended. Having in this manner vindicated the dignity of France, they next proceeded to illustrate her justice. To this end, a bill was immediately introduced into the chamber of deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer with some particularity to the proceedings and discussions in regard to it.

The minister of finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the president, for which neither the government

nor people of the United States were responsible, and that an engagement had been entered into, for the fulfilment of which the honor of France was pledged. Entertaining these views, the single condition which the French ministry proposed to annex to the payment of the money was, that it should not be made until it was ascertained that the government of the United States had done nothing to injure the interests of France, or, in other words, that no steps had been authorized by Congress of a hostile character toward France.

What the disposition or action of Congress might be was then unknown to the French cabinet. But on the 14th of January, the senate resolved that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the house of representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred reported it to the chamber of deputies. That committee substantially re-echoed the sentiments of the ministry, declared that Congress had set aside the proposition of the president, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French ministry and chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French government had received satisfactory explanations of the president's message of the 2d December, 1834; and what is still more extraordinary, the president of the council of ministers adopted this amendment and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their minister, and the offer of passports to ours, they now for the first time proposed to ask explanations. Sentiments and propositions which, they had declared, could not justly be imputed to the government or people of the United States, are set up as obstacles to the performance of an act of conceded justice to that government and people. They had declared that the honor of France required the fulfilment of the engagement into which the king had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfilment is refused, unless they first obtain from the president explanations of an opinion characterized by themselves as personal and imperative.

The conception that it was my intention to menace or insult the government of France, is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny, would be vain and ridiculous. But the constitution of the United States imposes on the president the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may in his opinion be required by its interests. From the performance of this duty he can not be deterred by the fear of wounding the sensibilities of the people or government of whom it may become necessary to speak—and the American people are incapable of submitting to an interference by any government on earth, however powerful, with the free performance of

the domestic duties which the constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our government belong to ourselves, and for anything said in them, our public servants are only responsible to their own constituents and to each other. If, in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice, and what is due to their own character—but they can never submit to be interrogated upon the subject, as a matter of right, by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the president for the language of his message, would equally justify a foreign power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the government of France has taken exception to the messages of American presidents. President Washington and the first President Adams, in the performance of their duties to the American people, fell under the animadversions of the French directory. The objection taken by the ministry of Charles X., and removed by the explanations made by our minister upon the spot, has already been adverted to. When it was understood that the ministry of the present king took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French government under date of the 29th of January, 1835, calculated to remove all impressions which an unreasonable susceptibility had created. He repeated and called the attention of the French government to the disavowal contained in the message itself, of any intention to intimidate by menace—he truly declared that it contained, and was intended to contain, no charge of ill faith against the king of the French, and properly distinguished between the right to complain, in unexceptionable terms, of the omission to execute an agreement, and an accusation of bad motives in withholding such execution—and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions, and entirely on the minister's own responsibility, yet it was afterward made the act of this government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French government. It, however, failed to have any effect. The law, after this friendly explanation, passed with the obnoxious amendment, supported by the king's ministers, and was finally approved by the king.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note on the 29th of January, to which I have before alluded, was not the only one which our minister took upon himself the responsibility of presenting on the same subject, and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the

French government, that while self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offence, yet we could never admit a right in any foreign government to ask explanations of or interfere in any manner in the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had, in a former note, been fully and voluntarily stated before it was contemplated to make the explanation a condition; and that there might be no misapprehension, he stated the terms used in that note, and he officially informed them that it had been approved by the president, and that therefore every explanation which could reasonably be asked, or honorably given, had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was, therefore, not only useless, but might be deemed offensive, and certainly would not be complied with, if annexed as a condition.

When this latter communication, to which I specially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford, of an honorable and speedy adjustment of the difficulties between the two nations, would have been accepted; and I therefore did not hesitate to give it my sanction and full approbation. This was due to the minister who had made himself responsible for the act; and it was published to the people of the United States, and is now laid before their representatives, to show how far their executive has gone in its endeavors to restore a good understanding between the two countries. It would have been at any time communicated to the government of France, had it been officially requested.

The French government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the instalments now due. The agent authorized to receive the money was instructed to inform the French ministry of his readiness to do so. In reply to this notice, he was told that the money could not then be paid, because the formalities required by the act of the chambers had not been arranged.

Not having received any official communication of the intentions of the French government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our chargé d'affaires at Paris to be instructed to ask for the final determination of the French government; and, in the event of their refusal to pay the instalments now due, without further explanations to return to the United States.

The result of this last application has not yet reached us, but is daily expected. That it may be favorable is my sincere wish. France having now, through all the branches of her government, acknowledged the validity of our claims, and the obligation of the treaty of 1831, and there really existing no adequate cause for further delay, will at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries; nothing indeed which will not yield to the suggestions of a pacific and enlightened policy, and to the influence of that mutual good-will and of those generous recollections which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given

to the controversy, is so vitally important to the independent administration of the government, that it can neither be surrendered nor compromitted, without national degradation. I hope it is unnecessary for me to say that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me, for the statement of truth and the performance of duty; nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather, in the estimation of what appertains to their national independence, and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally around the government of their choice with alacrity and unanimity, and silence for ever the degrading imputation.

Having thus frankly presented to you the circumstances which, since the last session of Congress, have occurred in this interesting and important matter, with the views of the executive in regard to them, it is at this time only necessary to add, that whenever the advices now daily expected from our chargé d'affaires shall have been received, they will be made the subject of a special communication.

The condition of the public finances was never more flattering than at the present period.

Since my last annual communication, all the remains of the public debt have been redeemed, or money has been placed in deposite for this purpose, whenever the creditors choose to receive it. All the other pecuniary engagements of the government have been honorably and promptly fulfilled, and there will be a balance in the treasury at the close of the present year of about nineteen millions of dollars. It is believed that, after meeting all outstanding and unexpended appropriations, there will remain near eleven millions of dollars to be applied to any new objects which Congress may designate, or to the more rapid execution of the works already in progress. In aid of these objects and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received, from various sources, twenty millions of dollars more, in 1836.

Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions of dollars, still the available surplus, at the close of the next year, after deducting all unexpended appropriations, will probably be not less than six millions of dollars. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy-yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt in our present and peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the secretary of the treasury will enter into details, showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption, which

are not in competition with our own productions, may be, no doubt, so diminished as to lessen to some extent the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defence, which, in the present state of our prosperity and wealth, may be expected to engage your attention. If, however after satisfying all the demands which can arise from these sources, the unexpended balance in the treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish, as far as we can, the burdens of taxation, and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations, or those primary duties which the defence and independence of our country enjoin upon us. That we have accomplished much toward the relief of our citizens by the changes which have accompanied the payment of the public debt, and the adoption of the present revenue laws, is manifest from the fact that, compared with 1833, there is a diminution of near twenty-five millions of dollars in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions of dollars during the same period. Let us trust that, by the continued observance of economy and by harmonizing the great interests of agriculture, manufactures, and commerce, much more may be accomplished to diminish the burdens of government, and to increase still further the enterprise and patriotic affection of all classes of our citizens, and all the members of our happy confederacy. As the data which the secretary of the treasury will lay before you, in regard to our financial resources, are full and extended, and will afford a safe guide in our future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of eleven millions of dollars. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances, and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it, in my former messages.

The extraordinary receipts from the sales of public lands invite you to consider what improvements the land system, and particularly the condition of the general land office may require. At the time this institution was organized, near a quarter of a century ago, it would probably be thought extravagant to anticipate, for this period, such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that, since the year 1812, the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments, from year to year since that time, have imposed a great amount of new and additional duties upon that office,

while the want of a timely application of force, commensurate with the care and labor required, has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the general land office, induce me to submit to your judgment, whether some modification of the laws relating to its organization, or an organization of a new character be not called for at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree of facility and promptitude than experience has proved to be practicable under existing regulations. The variety of the concerns, and the magnitude and complexity of the details occupying and dividing the attention of the commissioners, appear to render it difficult, if not impracticable for that officer, by any possible assiduity, to bestow on all the multifarious subjects, upon which he is called to act, the ready and careful attention due to their respective importance, unless the legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office, subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service, as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress, hereafter, to proportion the expenditure on account of this branch of the service to its real wants, by abolishing from time to time the offices which can be dispensed with.

The extinction of the public debt having taken place, there is no longer any use for the offices of commissioners of loans and of the sinking fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the treasury department of any funds, books, and papers, connected with the operations of these officers; and that the proper power be given to that department for closing finally any portion of their business which may remain to be settled.

It is also incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the bank of the United States in payment of the public revenue; and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connexion with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock, it will be essential to define clearly and strictly the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the secretary of the treasury will lay before you, that, notwithstanding the large amount of the stock which the United States hold in that institution, no information has yet been communicated which will enable the government to anticipate when it can receive any dividends, or derive any benefit from it.

Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparen in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana, shall have gone

into operation. Aided, as it is hoped they will be, by further reforms in the banking system of the states, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks, preventing that excessive issue of paper, whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. It was supposed by those who established the bank of the United States, that from the credit given to it from the custody of the public moneys, and other privileges, and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the state institutions at that period, we should derive from that institution all the security and benefits of a sound currency, and every good end that was attainable under that provision of the constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized.

After the extensive embarrassment and distress recently produced by the bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which, if acquiesced in by the people, would have changed the whole character of our government, every candid and intelligent individual must admit that, for the attainment of the great advantages of a sound currency, we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end, we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the republic. We must recur to first principles, and see what it is that has prevented the legislation of Congress and the states, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession, and generous patriotism, which was originally, and must ever continue to be, the vital element of our Union.

On this subject, I am sure that I can not be mistaken, in ascribing our want of success to the undue continuance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered, may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers exhibited in the contest waged by the bank of the United States against the government, for the last four years. Happily they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprung is an ever-active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives, to the subtle progress of its influence.

The bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions—a system founded upon a political creed, the

fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object, and inevitable result, should it prevail, is the consolidation of all power in our system in one central government. Lavish public disbursements, and corporations with exclusive privileges, would be its substitutes for the original, and as yet sound checks and balances of the constitution—the means by whose silent and secret operation, a control would be exercised by a few over the political conduct of the many, by first acquiring that control over the labor and earnings of the great body of the people. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of government, it has to be incessantly watched, or it corrupts the sources of the public virtue, and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we can not take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised. The experience of another year has confirmed the utter fallacy of the idea that the bank of the United States was necessary as a fiscal agent of the government. Without its aid, as such, indeed, in despite of all the embarrassments it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience, and the circulating medium has been greatly improved. By the use of the state banks, which do not derive their charters from the general government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the bank of the United States rested its claims to the public favor, were imaginary and groundless, it can not be doubted that the experience of the future will be more decisive against them.

It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the legislatures of several of the states have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the government as political engines, and not susceptible of dangerous extension and combination, the state banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the states provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected.

Thus disposed, as well from interest as the obligations of their charters,

it can not be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with, and that we shall soon gain, in place of the bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.

To this subject I feel that I can not too earnestly invite the special attention of Congress, without the exercise of whose authority the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the executive has taken all the steps within his constitutional power, to guard the public revenue, and defeat the expectations which the bank of the United States indulged, of renewing and perpetuating its monopoly, on the ground of its necessity as a fiscal agent, and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty, much responsibility was incurred which would have been gladly avoided, if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority, and supported by precedent, I was aware that there was in the act of the removal of the deposites a liability to excite that sensitiveness to executive power which it is the characteristic and the duty of freemen to indulge; but I relied on this feeling also, directed by patriotism and intelligence, to vindicate the conduct which in the end would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure to extend the executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked.

Under the operation of our institutions, the public servant who is called on to take a step of high responsibility, should feel in the freedom which gives rise to such apprehensions, his highest security. When unfounded, the attention which they arouse and the discussions they excite, deprive those who indulge them of the power to do harm; when just, they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposites, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged, or that political prejudices could defeat the just considerations of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of the people. That measure has now been before them, and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited, were calculated to

produce; and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add, to what I have on former occasions said on this subject generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with their safekeeping should be given to the executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money, this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the bank of the United States, which has resulted in severing, to some extent, a dangerous connexion between a moneyed and political power. The duty of the legislature to define, by clear and positive enactment, the nature and extent of the action which it belongs to the executive to superintend, springs out of a policy analogous to that which enjoins upon all the branches of the federal government an abstinence from the exercise of powers not clearly granted.

In such a government, possessing only limited and specific powers, the spirit of its general administration can not be wise or just, when it opposes the reference of all doubtful points to the great source of authority, the states and the people, whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the executive, with reference to the legislative branch of the government the same rule of action should make the president ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body.

In my former messages to Congress, I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various departments, but it has produced no effect as yet, except the discontinuance of extra allowances in the army and navy, and the substitution of fixed salaries in the latter. It is believed that the same principle could be advantageously applied in all cases, and would promote the efficiency and economy of the public service, and at the same time that greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying report of the secretary of war will put you in possession of the operations of the department confided to his care, in all its diversified relations, during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontiers, with the exceptions stated by the secretary of war. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional force may be collected, should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the army, have improved its condition, and have rendered its organization more useful and efficient. It is at all times in a state for prompt

and vigorous action, and it contains within itself the power of extension to any useful limit, while at the same time it preserves that knowledge, both theoretical and practical, which education and experience alone can give, and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the engineer corps press heavily upon that branch of the service; and the public interest requires an addition to its strength. The nature of the works in which the officers are engaged render necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform, or in assigning these to other persons temporarily employed, and too often, of necessity, without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress, and now renewed, for a reorganization of the topographical corps. This reorganization can be effected without any addition to the present expenditure, and with much advantage to the public service. The branch of duties which devolves upon these officers is at all times interesting to the community, and the information furnished by them is useful in peace and in war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications which passed one branch of the national legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the executive in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the secretary of war, which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defence. A just regard to the permanent interests of the country evidently requires this measure; but there are also other reasons which at the present juncture give it peculiar force, and make it my duty to call to the subject your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given to the army a valuable body of officers. It is not alone in the improvement, discipline, and operation of the troops, that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the war department; in the execution of the staff duties usually appertaining to the military organization; in the removal of the Indians, and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads, and in the improvement of harbors and rivers; in the construction of fortifications, in the fabrication of much of the material required for the public defence, and in the preservation, distribution, and accountability of the whole, and in other miscellaneous duties not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, science, and business habits, in their execution; and a system which shall secure these qualifications is demanded by the

public interest. That this object has been in a great measure obtained by the military academy is shown by the state of the service, and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education, no doubt, has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections and by legislative scrutiny without destroying the institution itself.

Occurrences to which we, as well as all other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community, whose will has instituted, and whose power must support, the government.

A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required.

A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each at a proper period of life from one class to another, and by calling first for the services of that class, whether for instruction or action, which, from age, is qualified for the duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service.

Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment, and worth the expense. No one, appreciating the benefits of a republican government, can object to his share of the burden which such a plan may impose. Indeed a moderate portion of the national funds could scarcely be better applied than carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offence to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offence is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defence afford the best security against those collisions which the ambition, or interest, or some other passion of nations, not more justifiable, is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the people are the sovereign power. Our

government was instituted and is supported by the ballot-box, not by the musket. Whatever changes await us, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portions of the United States, to the country west of the Mississippi river, approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact that they can not live in contact with a civilized community and prosper. Ages of fruitless endeavors have at length brought us to a knowledge of this principle of intercommunication with them. The past we can not recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes, for the usufructory rights they have ceded to us, no one can doubt the moral duty of the government of the United States to protect, and, if possible, to preserve and perpetuate the scattered remnants of this race which are left within our borders. In the discharge of this duty, an extensive region in the west has been assigned for their permanent residence. It has been divided into districts, and allotted among them. Many have already removed, and others are preparing to go; and with the exception of two small bands, living in Ohio and Indiana, not exceeding one thousand five hundred persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and re-establishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished, has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population, the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles, they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country, and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not, they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require.

Ample arrangements have also been made for the support of schools; in some instances, council-houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, &c., are supported among them. Steel and iron, and sometimes salt, are purchased for them; and ploughs, and other farming utensils, domestic animals, looms, spinning-wheels, cards, &c., are presented to them.

And besides these beneficial arrangements, annuities are, in all cases, paid, amounting, in some instances, to more than thirty dollars for each individual of the tribe, and in all cases sufficiently great, if justly divided, and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertions, it is now provided by law that "in all cases of the appointment of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort, and for the moral improvement of the Indians. The necessary measures for their political advancement, and for their separation from our citizens, have not been neglected. The pledge of the United States has been given by Congress, that the country destined for the residence of this people shall be for ever "secured and guarantied to them."

A country west of Missouri and Arkansas, has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves, or by the United States for them, with their concurrence. A barrier has thus been raised for their protection against the encroachments of our citizens, and guarding the Indians, as far as possible, from those evils which have brought them to their present condition. Summary authority has been given by law, to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article among these people, as the first and great step in their melioration. Half-way measures will answer no purpose. These can not successfully contend against the cupidity of the seller, and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things, between the government and people of the United States and these transplanted Indian tribes; and for the establishment among the latter, and with their own consent, of some principles of intercommunication, which their juxtaposition will call for; that moral may be substituted for physical force, the authority of a few and simple laws for the tomahawk, and that an end may be put to those bloody wars, whose prosecution seems to have made part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will be paid.

The report of the secretary of the navy, showing the condition of that branch of the public service, is recommended to your special attention. It appears from it, that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration, and the more general one which regards this arm of the national defence as our best security against foreign aggression, strongly urge the continuance of the measures which promote its gradual enlargement, and speedy increase of the force

which has been hitherto employed abroad and at home. You will perceive from the estimates which appear in the report of the secretary of the navy, that the expenditures necessary to this increase of its force, though of considerable amount, are small, compared with the benefits which they will secure to the country.

As a means of strengthening this national arm, I also recommend to your particular attention the propriety of the suggestion which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner, a nursery of skilful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships, is the possession of the means to man them efficiently; and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it can not be doubted that whatever provision the liberality and wisdom of Congress may now adopt, with a view to the perfect organization of this branch of our service, will meet the approbation of all classes of our citizens.

By the report of the postmaster-general, it appears that the revenue of that department during the year ending on the 30th day of June last, exceeded its accruing responsibilities, two hundred and thirty-six thousand two hundred and six dollars; and that the surplus of the present fiscal year is estimated at four hundred and seventy-six thousand two hundred and twenty-seven dollars. It further appears that the debt of the department, on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about one million and sixty-four thousand three hundred and eighty-one dollars, exceeding the available means about twenty-three thousand and seven hundred dollars; and that on the 1st instant, about five hundred and ninety-seven thousand and seventy-seven dollars of this debt had been paid: four hundred and nine thousand nine hundred and ninety-one dollars of the postages accruing before July, and one hundred and eighty-seven thousand and eighty-six dollars out of postages accruing since. In these payments are included sixty-seven thousand dollars of the old debt due to banks. After making these payments, the department had seventy-three thousand dollars in bank on the 1st instant. The pleasing assurance is given that the department is entirely free from embarrassment, and that by collections of outstanding balances, and using the current surplus, the remaining portion of the bank debt, and most of the other debt, will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail-routes it is stated that the department will be able to sustain with perfect convenience an annual charge of three hundred thousand dollars for the support of new routes, to commence as soon as they can be established and put in operation.

The measures adopted by the postmaster-general to bring the means of the department into action, and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested, and such salutary provisions in the laws regulating its administrative duties as the wisdom of Congress

may devise or approve, that important department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the postmaster-general which relates to the carriage of mails of the United States upon railroads constructed by private corporations under the authority of the several states. The reliance which the general government can place on those roads as a means of carrying on its operations, and the principles on which the use of them is to be obtained, can not too soon be considered and settled.

Already does the spirit of monopoly begin to exhibit its natural propensities in attempts to exact from the public, for services which it supposes can not be obtained on other terms, the most extravagant compensation.

If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the states, can, by a direct refusal or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country, and whether the United States can not, without transcending their constitutional powers, secure to the postoffice department the use of those roads, by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation.

To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix by law the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the postmaster-general. It is probable that a liberal proposition of that sort would be accepted.

In connexion with these provisions in relation to the postoffice department, I must also invite your attention to the painful excitement produced in the south, by attempts to circulate, through the mails, inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders—and peace depends upon the maintenance, in good faith, of those compromises of the constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding states to the Union, and to their fellow-citizens of the same blood in the south, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding states, so far from countenancing the slightest interference with the constitutional rights of the south, will be prompt to exer-

cise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the state authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the postoffice department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The general government, to which the great trust is confided of preserving inviolate the relations created among the states by the constitution, is especially bound to avoid in its own action, anything that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern states, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty, in the first message which I communicated to Congress, to urge upon its attention the propriety of amending that part of the constitution which provides for the election of the president and vice-president of the United States. The leading object which I had in view was the adoption of some new provisions which would secure to the people the performance of this high duty without any intermediate agency. In my annual communications since, I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws can not be too patiently examined, and ought not to be received with favor until the great body of the people are thoroughly impressed with their necessity and value, as a remedy for real evils, I feel that in renewing the recommendation I have heretofore made on this subject, I am not transcending the bounds of a just deference to the sense of Congress, or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of the government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system, that one of its most important securities consists in the separation of the legislative and the executive powers, at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the government, did not adopt all the precautions that were necessary to secure its practical observance, and that we can not be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it can not be disguised that, the contingency by which one branch of the legislature is to form itself into an electoral college, can not become one of ordinary occurrence without producing incalculable mischief. What was intended

as the medicine of the constitution in extreme cases, can not be frequently used without changing its character, and sooner or later producing incurable disorder.

Every election by the house of representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the legislative and executive function, and while it exposes each to temptations adverse to their efficiency as organs of the constitution and laws, its tendency will be to unite both in resisting the will of the people, and thus give a direction to the government anti-republican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which shall diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties, founded on sectional interests, is so much fostered by the extent of our territory. These interests, represented by candidates for the presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good, and forgetful of the restraints which the great body of the people would enforce, if they were in no contingency to use the right of expressing their will. The experience of our country, from the formation of the government to the present day, demonstrates that the people can not too soon adopt some stronger safeguard for their right to elect the highest officers known to the constitution, than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of this district, it is proper that its situation should be fully understood, and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of the district which their true interests require, and which does not conflict with the provisions of the constitution. It is believed that the laws for the government of the district require revisal and amendment, and that much good may be done by modifying the penal code, so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the judicial system of the United States. As at present organized, the states of the Union derive unequal advantages from the federal judiciary, which have been so often pointed out, that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the states that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

SPECIAL MESSAGE.

DECEMBER 9, 1835.

To the Senate and House of Representatives:—

GENTLEMEN: I herewith communicate, for the information of Congress, a report of the secretary of war, with accompanying documents, showing the progress made during the present year in the astronomical observations made under the act of the 14th of July, 1832, relative to the northern boundary of the state of Ohio.

The controversy between the authorities of the state of Ohio and those of the territory of Michigan, in respect to this boundary, assumed about the time of the termination of the last Congress, a very threatening aspect, and much care and exertion were necessary to preserve the jurisdiction of the territorial government under the acts of Congress, and to prevent a forcible collision between the parties. The nature and course of the dispute, and the means taken by the executive for the purpose of composing it, will fully appear in the accompanying report from the secretary of state, and the documents therein referred to.

The formation of a state government by the inhabitants of the territory of Michigan, and their application now pending to be admitted into the Union, give additional force to the many important reasons which call for the settlement of this question by Congress at their present session.

SPECIAL MESSAGE.

DECEMBER 9, 1835.

To the Senate and House of Representatives:—

GENTLEMEN: By the act of the 11th January, 1805, all that part of the Indian territory lying north of a line drawn due "east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States," was erected into a separate territory, by the name of Michigan.

The territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides, that, "when any of the states into which the same should be divided, should have sixty thousand free inhabitants, such state should be admitted by its delegates into the Congress of the United States, on an equal footing with the original state in all respects whatever, and shall be at liberty to form a permanent constitution and state government, provided, the constitution and state government so to be formed, shall be republican, and in conformity to the principles contained in these articles," &c. The inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and state government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Con-

gress, to whom the power and duty of admitting new states into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

FRENCH MESSAGE.

JANUARY 15, 1836.

To the Senate and House of Representatives of the United States:—

GENTLEMEN: In my message at the opening of your session, I informed you that our chargé d'affaires at Paris had been instructed to ask for the final determination of the French government, in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that, when advices on the result should be received, it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing, among other things, the correspondence on this subject between our chargé d'affaires and the French minister of foreign affairs, from which it will be seen, that France requires as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her government to be due, that certain explanations shall be made of which she dictates the terms. These terms are such as that government has already been officially informed can not be complied with; and if persisted in, they must be considered as a deliberate refusal on the part of France to fulfil engagements, binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this government, is clearly set forth in the letter of the French minister, marked No. 4. We will pay the money, says he, when "*the government of the United States is ready on its part to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call to question the good faith of the French government, nor to take a menacing attitude toward France;*" and he adds, "*if the government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of error.*" In the letter marked No. 6, the French minister also remarks that, "*the government of the United States knows that upon itself depends henceforward the execution of the treaty of July* 4, 1831."

Obliged, by the precise language thus used by the French minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our government shall be persisted in. This pretension is rendered the more unreasonable by the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating because it is demanded as the

equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicitly given by our minister accredited to her government, his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French minister of foreign affairs, on the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the legislature, and the firm resolve of their executive government, forbid it.

As the answer of the French minister to our chargé d'affaires at Paris, contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the secretary of state relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our minister to the United States, I caused my official approval of the explanations he had given to the French minister of foreign affairs, to be made public. As the French government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the government of the United States in the same way. But, contrary to these well-founded expectations, the French ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

While, however, the government of the United States was awaiting the movements of the French government, in perfect confidence that the difficulty was at an end, the secretary of state received a call from the French chargé d'affaires in Washington, who desired to read to him a letter he had received from the French minister of foreign affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter, and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the government of the United States, privately, in what manner it could make explanations, apparently voluntarily, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were in their substance wholly inadmissible. Not being in the shape of an official communication to this government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the executive or the legislature, and the secretary of state did not think proper to ask a copy, because he could have no use for it. Copies of papers, marked Nos. 9, 10, and 11, show an attempt on the part of the French chargé d'affaires, many weeks afterward, to place a copy of this paper among the archives of this government, which, for

obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form, would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French chargé d'affaires, that the object was to bring this letter before Congress and the American people. If foreign agents, on a subject of disagreement between their governments and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this government should be conducted with the utmost directness and simplicity, and that, in all cases of importance, the communications received or made by the executive should assume the accustomed official form. It is only by insisting on this form, that foreign powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the legislature can, with propriety, be invited by the president. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and on the other, to subject this portion of his acts to public scrutiny; and, if occasion should require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it very intimately concerns the national honor; a matter in my judgment much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French minister of foreign affairs was read to the secretary of state on the 11th of September last. This was the first authentic indication of the specific views of the French government, received by the government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French government, on receiving that information, in the same manner as the alleged offensive message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our chargé d'affaires, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a *sine quâ non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States, and the chargé d'affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state of things originating in an unreasonable susceptibility on the part of the French government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain executive exertion in such meas-

ures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she can not justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak, and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her government, has acknowledged the validity of our claims, and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, under all existing circumstances, it appears to me, that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our chargé d'affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the navy, and the completion of our coast defences.

If this array of military force be really designed to affect the action of the government and the people of the United States, on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded; and no armament, however powerful and imposing, at a distance or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, our national character, and to the world.

The house of representatives, at the close of the last session of Congress, unanimously resolved that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should at all hazards be adhered to. If, after so signal an example as that given by the American people, during their

long-protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification which, after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at naught the obligations it imposes, the United States will not be the only sufferers. The efforts of humanity and religion to substitute the appeals of justice and the arbitrament of reason, for the coercive remedies usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

SPECIAL MESSAGE.

FEBRUARY 8, 1836.

To the Senate and House of Representatives:—

THE government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last, which proposes a partial non-intercourse with France. While we can not too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lesson of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of the nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I can not too strongly urge the recommendation already made to place the seaboard in a proper state of defence, and promptly to provide the means for amply protecting our commerce.

SPECIAL MESSAGE.

FEBRUARY 22, 1836.

To the Senate and House of Representatives:—

I TRANSMIT herewith, to Congress, copies of the correspondence between the secretary of state and the chargé d'affaires of his Britannic majesty, relative to the mediation of Great Britain in our disagreement with France, and to the determination of the French government to execute the treaty of indemnification without further delay, on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France, the mediation had been publicly accepted before the offer of it could be received here; while each of the governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances, the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than temporary estrangement. The healing effects of time; a just consideration of the powerful motives for a cordial and good understanding between the two nations; the strong inducements each has to respect and esteem the other, will, no doubt, soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the government of Great Britain has acted, and was prepared to act, I have already had occasion to express my high sense. Universal respect, and the consciousness of meriting it, are, with governments, as with men, the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the executive, or to point it to any other department or branch of the government, to refer to the want of effective preparation in which our country was found at the late crisis From the nature of our institutions, the movements of the government, in preparation for hostilities, must ever be too slow for the exigencies of unexpected war. I submit it, then, to you, whether the first duty we owe to the people who have confided to us their power, is not to place our country in such an attitude as always to be so amply supplied with the means of self-defence, as to afford no inducements to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time necessarily elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger; and if we escaped without signal disaster or national dishonor, the hazard of both, unnecessarily incurred, could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now fortunately so situated that the expenditure for this purpose will not be felt, and if it were, it would be ap-

proved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and an enlightened forecast.

In behalf of these suggestions, I can not forbear repeating the wise precepts of one whose counsels can not be forgotten: "The United States ought not to indulge a persuasion that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it: if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

SPECIAL MESSAGE.

MAY 10, 1836.

To the Senate and House of Representatives:—

INFORMATION has been received at the treasury department that the four instalments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former message on this subject, will be speedily realized.

No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

EIGHTH ANNUAL MESSAGE.

DECEMBER 6, 1836.

Fellow-Citizens of the Senate and House of Representatives:—

ADDRESSING to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I can not avoid congratulating you and my country particularly on the success of the efforts made during my administration by the executive and legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the universe,

and I invite you to unite with me in offering to him fervent supplications, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting nature, at issue with other powers, are yet unadjusted. Among the most prominent of these is that of the northeastern boundary. With an undiminished confidence in the sincere desire of his Britannic majesty's government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connexions with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their governments will permit us. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification

depends upon the reconcilement of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy.

You will perceive by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds, that the obligations of this government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army to advance into territory claimed as part of Texas, if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to reestablish its dominion. The departure of this minister was the more singular, as he was apprized that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there in perfect accordance with the principles admitted to be just in his conference with the secretary of state, by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the department of war. It is hoped and believed that his government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the meantime the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be in anticipation prepared at all times to perform our obligations without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly-declared Texan government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the department of state. Copies of the treaties will be trans-

mitted to you if received before, or published, if arriving after the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the government of the distinguished chief of the Ottoman empire.

Information has been received at the department of state that a treaty with the emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the senate previous to the close of the session.

You will perceive, from the report of the secretary of the treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the treasury during the present year will amount to about forty-seven millions six hundred and ninety-one thousand eight hundred and ninety-eight dollars; those from customs being estimated at twenty-two millions five hundred and twenty-three thousand one hundred and fifty-one dollars; those from lands at about twenty-four millions of dollars; and the residue from miscellaneous sources. The expenditures for all objects, during the year, are estimated not to exceed twenty-three millions of dollars, which will leave a balance in the treasury for public purposes, on the 1st day of January next, of about forty-one millions seven hundred and twenty-three thousand nine hundred and fifty-nine dollars. This sum, with the exception of five millions, will be transferred to the several states, in accordance with the provisions of the act regulating the deposites of the public money.

The unexpended balances of appropriations on the 1st day of January next, are estimated at fourteen millions six hundred and thirty-six thousand and sixty-two dollars, exceeding, by nine millions six hundred and thirty-six thousand and sixty-two dollars, the amount which will be left in the deposite banks, subject to the draft of the treasurer of the United States, after the contemplated transfers to the several states are made. If, therefore, the future receipts should not be sufficient to meet those outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the states.

The consequences apprehended when the deposite act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposite of the surplus moneys of the United States in the state treasuries for safekeeping, until they may be wanted for the service of the general government, it has been extensively spoken of as an act to give the money to the several states; and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposite act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself can not sanction such a suggestion, and that, as it now stands, the states have no more authority to receive and use these deposites without intending to return them, than any deposite bank, or any individual temporarily charged with the safekeeping or application of the public money, would now have for converting the same to their private use, without the consent and against the will of the government. But independently of the violation of the public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposite act, it is believed that the considerations which should govern the future

legislation of Congress on this subject, will be equally conclusive against the adoption of any measure recognising the principles on which the suggestion has been made.

Considering the intimate connexion of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it can not be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the government; and it has become our duty to decide whether such a result be consistent with the true objects of our government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the treasury as it now is, or distributed among the people or the states.

To retain it in the treasury unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the states would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the government, merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever

be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposite banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of, or would be likely to be adopted) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*, and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the general government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness, and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposite act. This act, although certainly designed to secure the safekeeping of the public revenue, is not entirely free in its tendencies from many of the objections which apply to this principle of distribution. The government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created, belonged to the people; but the government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process needs only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three fifths of all the duties on imports are paid in the city of New York; but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every state, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there must, therefore, be made up of moneys or property withdrawn from other points and other states. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking, are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the retransfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds can not be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposite bill of the last session, we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the states have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue, from imposts and public lands, must be made up by direct taxes collected from the states in that ratio. It is proposed to distribute the surplus, say thirty millions of dollars, not according to the ratio in which it has been collected, and belongs to the people of the states, but in that of their votes in the colleges of electors for president and vice-president. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table, it will be perceived that in the distribution of a surplus of thirty millions of dollars upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposite act, compared with the results of a distribution according the ratio of direct taxation, must satisfy every unprejudiced mind, that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the federal government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the state of Delaware, in the collection of thirty millions of dollars of revenue, would pay into the treasury one hundred and eighty-eight thousand seven hundred and sixteen dollars; and in the distribution of thirty millions of dollars, she would receive back from the government, according to the ratio of the deposite bill, the sum of three hundred and six thousand one hundred and twenty-two dollars; and similar results would follow the comparison between the small and large states throughout the Union; thus realizing to the small states an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large states. It was certainly the intention of that provision of the constitution which declares that all "duties, imposts, and excises," shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people in whatever state of the Union they may reside. But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some states much more, and to those of others much less than their fair propor-

tions? Were the federal government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposes heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large states of the Union would not only have to contribute their just share toward the support of the federal government, but also have to bear in some degree the taxes necessary to support the governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes, "to pay the debts and provide for the common defence and general welfare of the United States." There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the states or the people. Indeed, it is not probable that such an idea ever occurred to the states when they adopted the constitution. But, however this may be, the only safe rule for us in interpreting the powers granted to the federal government, is to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the state governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the state governments are repressed, and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the state governments as the mainstay of our Union and liberties. The state legislatures, instead of studying to restrict their state expenditures to the smallest possible sum, will claim credit for their profusion, and harass the general government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The states would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the general government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which would only be eradicated by one of those bloody revolutions which occasionally over-

throw the despotic systems of the old world. In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are in a great degree the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase, rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would nevertheless lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned, is to collect only revenue enough to meet the wants of the government, and let the people keep the balance of the property in their own hands, to be used for their own profit. Each state will then support its own government, and contribute its due share toward the support of the general government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the federal government. There would be some guarantee that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the states, tending to invest in the hands, and place under the control of the general government, all the principal roads and canals of the country, in violation of state-rights, and in derogation of state authority. At the same time, the condition of the manufacturing interests was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus, after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the states, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburdened treasury, until the government could, without a sudden and destructive revulsion in the business of the country,

gradually return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connexion with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connexion with an appeal to the source of all legal power in the general government, the states which have established it. No such appeal has been taken; and, in my opinion, a distribution of the surplus revenue by Congress, either to the states or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the general government and the states, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculations, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our government, is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutual medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some states, as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the states, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank-notes, on a capital to be created to some extent out of government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterward in effect obtained by its ingenious advocates through a strained construction of the constitution. The debts of the revolution were funded at prices which formed no equivalent, compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act, to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at home as money. It followed, as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various states.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations, in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the better experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity for effecting this great good will be improved, before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes can not supply their wants out of their wages, that the wages rise, and gradually reach a justly-proportioned rate to that of the products of

their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they can not be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, toward restoring to the country the sound currency provided for in the constitution. In the acts of several of the states prohibiting circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactments of state laws banishing from circulation bank-notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credit and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposites, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined

to deposite banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds and the interest of the people generally, required that these operations should be checked ; and it became the duty of every branch of the general and state governments to adopt all legitimate and proper means to produce the salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the secretary of the treasury, requiring payment for the public lands to be sold, to be made in specie, with an exception, until the fifteenth of the present month, in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks and gave them additional strength, in anticipation of the pressure which has since pervaded our eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new states from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the general government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers ; and it promises other advantages to the country in general, and to the new states in particular, which can not fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the state banks to perform the duties of fiscal agents for the government, at the time of the removal of the deposites. It was alleged by the advocates of the bank of the United States, that the state banks, whatever might be the regulations of the treasury department, could not make the transfers required by the government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts by the United States bank and its twenty-five branches, were at least one third less than those of the deposite banks for an equal period of time ; and if a comparison be instituted between the amounts of service rendered by these institutions on the broader basis which has been used by the advocates of the United States bank, in estimating what they consider the domestic exchanges

transacted by it, the result will be still more favorable to the deposite banks.

The whole amount of public money transferred by the bank of the United States, in 1832, was sixteen millions of dollars. The amount transferred and actually paid by the deposite banks in the year ending the first of October last, was thirty-nine millions three hundred and nineteen thousand eight hundred and ninety-nine dollars; the amount transferred and paid between that period and the sixth of November was five millions three hundred and ninety-nine thousand dollars; and the amount of transfer warrants outstanding on that day, was fourteen millions four hundred and fifty thousand dollars; making an aggregate of fifty-nine millions one hundred and sixty-eight thousand eight hundred and ninety-four dollars. These enormous sums of money first mentioned, have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposite act, were generally below those charged by the bank of the United States. Independently of these services, which are far greater than those rendered by the United States bank and its twenty-five branches, a number of deposite banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure the renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issues of other bank paper; but it is to be hoped that nothing will now deter the federal and state authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the government, your particular attention is invited to those articles which constitute the necessaries of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our government, and tend only to increase the wants of the destitute.

It will be seen by the report of the secretary of the treasury, and the accompanying documents, that the bank of the United States has made no payment on account of the stock held by the government in that institution, although urged to pay any portion which might suit its convenience; and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the secretary to collect at their last session. Such measures as are within the power of the executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the 3d day of March last, and it has now no power but that given in the 21st section, to use "the corporate name, style, and capa

city, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Among other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or reissue its notes after the expiration of its charter, can not be denied; and that it could not confer any such right on its substitute any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their reissue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their reissue by the new corporation, for their own profit, is a fraud on the government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again reissued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private: or whether the subject shall be left to the power now possessed by the executive and judiciary. It remains to be seen whether the persons who, as managers of the old bank, undertook to control the government, retained the public dividends, shut their doors upon a committee of the house of representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the seven millions of government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lesson taught by the bank of the United States can not well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale, from the facility with which corporate powers are granted by their state governments.

It is believed that the law of the last session, regulating the deposite banks, operates onerously and unjustly upon them in many respects; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the secretary of war *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of government before the termination of your last session, you are already acquainted; and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer, was on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force for the purpose of resuming offensive operations in the most efficient manner so soon as the season should permit. Major-General Jessup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the meantime it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-General Jessup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks have been brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians, and the causes of these hostilities, requested by the resolution of the house of representatives of the 1st of July last, to be made to the

president, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during the present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the war department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station, but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

While the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the secretary of war in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connexion it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this armed defence, has been so repeatedly presented to Congress, by myself and my predecessors, that I deem it sufficient on this occasion to refer to the last annual message and to former executive communications, in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the secretary of war upon the governor of that state. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them, while absent from their homes, should be paid by the government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connexion with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest, whether some provision may not be made, consistently with the principles of our government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a reorganization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps and the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the military academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein, for legislative action, I would particularly notice the suggestion of the secretary of war, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this government, for the removal of the Indian tribes originally settled on this side of the Mississippi, to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the commissioner of Indian affairs, and enforced by the secretary on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions which otherwise will

assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this government, and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents in respect to those relations, will receive your early and mature deliberations ; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the secretary of the navy for a satisfactory view of the operations of the department under his charge, during the present year. In the construction of vessels at the different navy-yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the government to fit out the expedition on a scale corresponding with the liberal appropriation for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message, respecting the enlistment of boys in our naval service ; and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the postmaster-general presents a gratifying picture of the condition of the postoffice department. Its revenues for the year ending the 30th of June last were three millions three hundred and ninety-eight thousand four hundred and fifty-five dollars and nineteen cents, showing an increase of revenue over that of the preceding year, of four hundred and four thousand eight hundred and seventy-eight dollars and fifty-three cents, or more than thirteen per cent. The expenditures for the same year were two millions seven hundred and fifty-five thousand six hundred and twenty-three dollars and seventy-six cents, exhibiting a surplus of six hundred and forty-two thousand eight hundred and thirty-one dollars forty-three cents. The department has been redeemed from embarrassment and debt ; has accumulated a surplus exceeding half a million of dollars ; has largely extended, and is preparing still further to extend, the mail service ; and recommends a reduction of postages equal to about twenty per cent. It is practising upon the great principle which should control every branch of our government, of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the postmaster-general, recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the federal currency, and the improvement it will introduce into the accounts of the department and its agents.

Your particular attention is invited to the subject of mail contracts with

railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines, there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterward, and the power of the postmaster-general to pay them high prices is practically without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the postmaster-general. On the contrary it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which can not but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial postoffice, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British provinces.

The expediency of providing a fireproof building for the important books and papers of the postoffice department is worthy of consideration. In the present condition of our treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that department, in favor of placing it near the other executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different customhouses, have been in progress for some years, under the general direction of the executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each state in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the treasury department during the last year. A special report from the secretary of the treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole—the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year—with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under

all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the treasury department to the committee of commerce of the house of representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the chief magistrate, and such the great pressure of business on the treasury department, the general supervision of the coast survey, and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers, organized especially for that purpose, or on the navy board attached to the navy department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the constitution which will prevent, in any event, the election of the president and vice-president of the United States devolving on the house of representatives and the senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two houses of Congress at their meeting, I can not omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion, that whatever errors have been committed, will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being, to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

SPECIAL MESSAGE.

DECEMBER 6, 1836.

To the Senate and House of Representatives:—

I TRANSMIT herewith to Congress copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the senate and house of representatives on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the revolutionary Congress, and of the convention that formed the constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared—long withheld from the public, as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away—well deserves to become the property of the nation, and can not fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and all succeeding generations, accurate knowledge of the principles of their government, and the circumstances under which they were recommended and embodied in the constitution for adoption.

MESSAGE IN RELATION TO TEXAS.

DECEMBER 21, 1836.

To the Senate of the United States:—

DURING the last session, information was given to Congress by the executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration, extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the executive toward the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark on the information now given to Congress, were it not that the two houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil government, capable of performing the duties, and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the executive in con

tinuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or new world, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them, not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the separation of the American possessions of both from the European governments, and out of the numerous and constantly-occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good-will in those against whom we have been by force of evidence compelled to decide.

It has thus made known to the world, that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy, that no serious disagreement has ever risen among ourselves in relation to it, although brought under view in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognising a new state—a power, the exercise of which is equivalent, under some circumstances, to a declaration of war—a power nowhere expressly delegated, and only granted in the constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the president and senate to form treaties with foreign powers, and to appoint ambassadors and other public ministers; and in that conferred upon the president to receive ministers from foreign nations.

In the preamble to the resolution of the house of representatives, it is distinctly intimated that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the executive, either apart from, or in conjunction with the senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the executive and the legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it

should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the states of this Union, and, in the other, the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations, of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every other trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not until then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American states, who began, or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Grenada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the republic himself captured, and all present power to control the newly-organized government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Texas. The Mexican republic, under another executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion, the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries, which require us to act on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large portion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and more than all, it is known that the people of that country have instituted the same form of government with our own; and

have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the federal states. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognise the independence of the new government, at least until the lapse of time, or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it, we are but carrying out the long-established policy of our government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence, that if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

SPECIAL MESSAGE.

JANUARY 17, 1837.

To the House of Representatives of the United States:—

I HEREBY submit to the house of representatives certain communications from the secretary of the treasury, and the attorney of the United States for the District of Columbia. They relate to the difficulties which have been interposed, under the existing laws, in bringing to conviction and punishment the supposed incendiaries of the treasury buildings, in the year 1833.

The peculiar circumstances of this case, so long concealed, and the flagrant frauds by persons disconnected with the government, which were still longer concealed, and to screen some of which for ever, was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of public property, but to repeal entirely the statute of limitations in all criminal cases, except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the

commission of the crime was kept concealed, or the person on trial was not suspected of having perpetrated the offence.

It must be manifest to Congress, that the exposed state of the public records here, without fireproof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these, the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws, for safety.

SPECIAL MESSAGE.

JANUARY 17, 1837.

To the Senate and House of Representatives of the United States :—

I TRANSMIT to Congress, herewith, the copy of an act of the state of Missouri, passed on the 16th ultimo, expressing the assent of that state to the several provisions of the act of Congress entitled, "An act to extend the western boundary of the state of Missouri to the Missouri river," approved June 7, 1836. A copy of the act, duly authenticated, has been deposited in the department of state.

SPECIAL MESSAGE.

FEBRUARY 6, 1837.

To the Senate and House of Representatives of the United States :—

AT the beginning of this session, Congress was informed that our claims upon Mexico had not been adjusted; but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me, that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one

more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the executive against Mexico, to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof made from on board one of our vessels-of-war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message, in answer to a call of the house of representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find, in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reason to hope that an adjustment of the controversy between them can be effected without a resort to measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

FAREWELL ADDRESS.

March 3, 1837.

Fellow-Citizens:—

Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I can not hope that it has at all times been free from errors. But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me; and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age and a broken frame warn me to

retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war against each other; and our intimate commercial connexions with every part of the civilized world, rendered it a time of much difficulty for the government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel, when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our constitution is no longer a doubtful experiment; and at the end of nearly half a century, we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved, and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The states which had so long been retarded in their improvements by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the states; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of this ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the general government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary exception, our relations with every foreign power are now of the most friendly character—our commerce continually expanding and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we

owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united, and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved, that in the union of these states there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union, was earnestly pressed upon his fellow-citizens by the father of his country, in his farewell address. He has there told us, that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passed around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be, not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment—and he so speaks of it in his address—but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely-extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *south* against the *north*, and the *north* against the *south*, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the chief magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions, a want of patriotism or of public virtue. The honorable feelings of state pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are con-

scious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other states are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicion and reproaches may in time create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterward repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation, will then be tried in fields of battle, and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of the Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they bear as citizens of this great republic; if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken, and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty states, without commerce, without credit—jealous of one another—armed for mutual aggressions—loaded with taxes to pay armies and leaders—seeking aid against each other from foreign powers—insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any state or states can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes—they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors, and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully

executed in every part of the country, and that every good citizen should, at all times stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people; and no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution can not be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several states bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every state should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other states; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several states must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the revolution, and therefore, of necessity, influencing their policy since they became free and independent states. But each state has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other states, or the rights of the Union, every state must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of the people of other

states to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured, that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled with public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions, the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which can not always be allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be state or national.

It is well known that there have always been those among us who wish to enlarge the powers of the general government; and experience would seem to indicate that there is a tendency on the part of this government to overstep the boundaries marked out for it by the constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created; and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the constitution, the general government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the states, and to confine the action of the general government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the federal government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might

be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods, enhances by so much the price of the commodity to the consumer; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the government to reduce them, for no circumstances can justify it in assuming a power not given to it by the constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the government.

Plain as these principles appear to be, you will yet find that there is a constant effort to induce the general government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up, in various quarters, to squander the money and to purchase support. Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You can not have forgotten the severe and doubtful struggle through which we passed when the executive department of the government, by its veto, endeavored to arrest the prodigal scheme of injustice, and to bring back the legislation of Congress to the boundaries prescribed by the constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the executive, and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the treasury, notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments, desire a high tariff

to increase their gains. Designing politicians will support it, to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and since the people have decided that the federal government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several states, by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the general government, and annually divided among the states. And if, encouraged by these fallacious hopes, the states should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff, in order to obtain a surplus distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The federal government can not collect a surplus for such purposes, without violating the principles of the constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the states, where it is to be disposed of by leading state politicians who have friends to favor, and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule, and that is, to confine the general government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue, or impose taxes, except for the purposes enumerated in the constitution; and if its income is found to exceed these wants, it should be forthwith reduced, and the burdens of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several states upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men, are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure, and the wages of labor unsteady and uncer-

tain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given; suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows of the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands, and various kinds of stock, which, within the last year or two, seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall preserve public virtue, and promote the true interests of our country. But if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils, and destroy, at no distant day, the purity of your government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth—their bravery in war has covered us with glory; and the government of the United States will but ill discharge its duties, if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests can not be effectually protected, unless silver and gold are restored to circulation.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportionate to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they can not combine for the purposes of political influence; and whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space, and felt only in their immediate neighborhoods.

But when the charter for the bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the federal government down to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength, it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks, necessarily, went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption, and its numerous dependents, under the direction and command of one acknowledged head; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength to support or defeat any measure of the government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union; and to bestow prosperity, or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country, when the bank of the United States waged war upon the people in order to

compel them to submit to its demands, can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the federal government beyond the limits fixed by the constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the general government. Let us abide by the constitution as it is written, or amend it in the constitutional mode, if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your states, as well as in the federal government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the bank of the United States. Defeated in the general government, the same class of intriguers and politicians will now resort to the states, and endeavor to obtain there the same organization, which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and state interests, and state pride, they will endeavor to establish, in the different states, one moneyed institution with overgrown capital, and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the bank of the United States, although its sphere of action is more confined; and in the state in which it is chartered, the money power will be able to embody its whole strength, and to move together with undivided force, to accomplish any object it may wish to attain. You have already had abundent evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the state monopoly will be absolute, and their obedience unlimited. With such a bank, and a paper currency, the money power would in a few years govern the state and

control its measures; and if a sufficient number of states can be induced to create such establishments, the time will soon come when it will again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different states, and which are employed altogether for their benefit; and unless you become more watchful in your states, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the general government as well as in the states, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands, is rightfully placed the sovereignty of the country, and to you, every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known,

must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourself of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied, if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in the season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defence its greatest efficiency, by meeting danger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment; dock-yards and navy arsenals from destruction; to give shelter to merchant-vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description can not be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess can not be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to ad-

minister the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day, there never have been thirteen millions of people associated together in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in his hands the destinies of nations, make you worthy of the favors he has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend, to the end of time, the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ADMINISTRATON OF JACKSON.

On the fourth of March, 1829, General Andrew Jackson entered on his duties as president of the United States. At twelve o'clock of that day, the senate, which had been convened by his predecessor, Mr. Adams, adjourned, after a session of one hour, during which the president elect entered the senate-chamber, attended by the marshal of the district and the committee of arrangements. He had been escorted to the capitol, from Gadsby's hotel, by a few of the surviving officers and soldiers of the revolution, and made the following reply to an address delivered to him at the hotel:—

"Respected Friends: Your affectionate address awakens sentiments and recollections which I feel with sincerity, and cherish with pride. To have around my person, at the moment of undertaking the most solemn of all duties to my country, the companions of the immortal Washington, will afford me satisfaction and grateful encouragement. That by my best ex ertions I shall be able to exhibit more than an imitation of his labors, a sense of my own imperfections, and the reverence I entertain for his virtues, forbid me to hope.

"To you, respected friends, the survivors of that heroic band who followed him so long and so valiantly in the path of glory, I offer my sincere thanks, and to Heaven my prayers, that your remaining years may be as happy as your toils and your lives have been illustrious."

The chief-justice of the United States, and associate judges of the supreme court, entered the senate-chamber soon after the president, and occupied the seats assigned for them, on the right of the president's chair. The foreign ministers and their suites, in their splendid official costumes, occupied seats on the left of the president's chair. A large number of ladies were present. The western gallery was reserved for members of the house of representatives.

After the adjournment of the senate, about noon, a procession was formed to the eastern portico of the capitol, where, in the presence of an immense concourse of spectators, the president delivered his inaugural address; and having concluded it, the oath to support the constitution was administered to him by Chief-Justice Marshall.

Salutes were fired by two companies of artillery, stationed in the vicinity of the capitol, which were repeated at the forts, and by detachments of artillery on the plains. When the president retired, the procession was re-formed, and he was conducted to the presidential mansion. He here received the salutations of a vast number of persons, who came to congratulate him upon his induction to the presidency. The day was serene and mild, and every way favorable to the wishes of those who had come from a distance to witness the ceremony of the inauguration.

General Jackson did not call upon President Adams, and the ex-president was not present at the installation of President Jackson.*

The members of Mr. Adams's cabinet having resigned, President Jackson, immediately after his inauguration, nominated to the senate the following gentlemen for heads of the respective departments, who were promptly confirmed, viz.: Martin Van Buren, of New York, secretary of state; Samuel D. Ingham, of Pennsylvania, secretary of the treasury; John H. Eaton, of Tennessee, secretary of war; John Branch, of North Carolina, secretary of the navy; John M'Pherson Berrien, of Georgia, attorney-general. It was determined to introduce the postmaster-general into the cabinet; the incumbent of that office, John M'Lean, was appointed associate justice of the supreme court, and William T. Barry, of Kentucky, received the appointment of postmaster-general. Certain duties in the department of state requiring immediate attention on the accession of a new president, James A. Hamilton, of New York, son of the late General Alexander Hamilton, was charged temporarily with the duties of secretary of state; until Mr. Van Buren could close his business as governor of New York, on the duties of which office he had only entered on the 1st of January, 1829.

The secretaries of state and the navy, and the attorney-general, had been leading supporters of Mr. Crawford, in the presidential contest of 1824. Mr. Ingham was selected through the influence of the vice-president, Mr. Calhoun, and Messrs. Eaton and Barry were among the original supporters of General Jackson.

The cabinet was now constituted, and, after confirming the nomination of some active partisans to diplomatic posts and to lucrative stations in the land office, customhouse, and navy, the senate adjourned on the 17th of March, the executive having informed that body that he had no further business to lay before it. The promised work of reform now commenced in good earnest. Before the inauguration, the capital had been thronged with political partisans, chiefly from the eastern, middle, and western states, all clamorous for some reward for their electioneering services during the canvass. It had been distinctly avowed by the most prominent organs of the successful party, that the president would be urged to reward his friends and punish his enemies; it was expected, therefore, that

* Niles's Register.

he would make a prompt and general removal of his opponents from office, and, by the appointment of his friends, secure the ascendency of his party. This expectation was not destined to disappointment. Scarcely had the senate adjourned, when a general system of removal from office was entered upon, with the view of rewarding those who had been instrumental in promoting the president's election.

Never before had so total a change been made in the public offices. Formerly it had been confined to those prominent places which constitute the stakes for which the game of politics is so often played. The revolution extended further now, and men too humble to be claimed by any party were removed from situations upon which they depended for a livelihood, to make room for active partisans. Availing himself of the right of the executive to fill vacancies occurring in the recess, the president, shortly after the adjournment of the senate, removed the principal officers of the treasury, the marshals and district attorneys in most of the eastern, middle, and western states, the revenue-officers of the chief Atlantic ports, the greater part of the receivers and registers in the land-office ; and effected an equally radical change in the diplomatic corps.

The number of appointments made by the president during the recess was one hundred and seventy-six, principally in consequence of removals of political opponents from office. During General Washington's administration there were *nine* removals ; of these one was a defaulter. In John Adams's administration of four years there were *ten* removals ; one of these was a defaulter. In Jefferson's, of eight years, there were *thirty-nine*. In James Madison's, of eight years, there were *five* removals, of which three were defaulters. In James Monroe's, of eight years, there were *nine* removals, of which six were for cause. In John Quincy Adams's, of four years, there were *two* removals ; both for cause. Total removals by six presidents, seventy-four.

As these removals by President Jackson were invariably made to make room for political adherents, and as with some exceptions no act of official delinquency was proved against the former incumbents, the conduct of the executive was subjected to severe animadversions. He was charged with usurping an authority not conferred by the constitution, which it was contended only gave him the right to fill vacancies, either occasionally occurring, or caused by some official misconduct ; and even if acting within the limits of his constitutional prerogative, it was a proscription for opinion's sake, contrary to the spirit of our institutions, and without a precedent in the history of the country. On the other hand, it was contended that the executive was solely invested with the right of removal ; that it was a discretionary right, for the exercise of which he was responsible solely to the nation ; that that power was given to enable him not only to remove incumbents, for delinquency or incapacity, but with the view of reforming the administration of the government, and introducing officers

of greater efficiency or sounder principles into its various departments. Occasion was also taken, owing to the defalcation of a few of those removed, to assert the necessity of reform, and unsparing efforts were made to create an impression on the public mind of the necessity of a general removal of the officers of the federal government.

Some abuses no doubt existed, and one instance of fraud and defalcation on the part of an auditor high in the confidence of the late administration, gave a temporary popularity to this policy; but when it was discovered, after a vigorous scrutiny, that defalcations to the amount of a few thousand dollars only were detected, and that in no instance were these fastened upon officers appointed by Mr. Adams, a reaction took place in the public feeling.

The manner of distributing the executive patronage was also strongly contrasted with the professions of General Jackson shortly before the election. He had then earnestly inculcated the propriety of a chief magistrate acting for the good of the whole and not a part of the community, and devoting himself to exterminate party spirit; and among the most reprehensible modes of bestowing appointments, he had designated that of conferring offices on members of Congress. He regarded this as aiming so directly at the independence and purity of the legislature, that he proposed an amendment of the constitution, prohibiting the appointment of members of Congress to any office, except judicial, during the term for which they were elected and two years thereafter. It was therefore cause of general surprise to find him within the first year of his administration conferring a greater number of offices upon members of Congress than any of his predecessors had done, during their whole term of service.*

A general change took place in the postoffice department. Under the superintendence of Mr. M'Lean, this department had been distinguished for its efficiency and order, and as its functions operated directly upon the private business of individuals, that officer had acquired great and deserved popularity from the manner in which its duties were discharged. He had himself been favorable to the election of General Jackson, and his continuance in an office of so much influence and patronage had been deemed an instance of magnanimity on the part of Mr. Adams, and a proof of his determination not to use the patronage of the government for party purposes.

The transfer of that officer to the bench of the supreme court, and the introduction of his successor, Mr. Barry, into the cabinet, were regarded as indications of an intention to introduce the proscriptive system into the postoffice, and the numerous removals which took place shortly after his appointment verified the apprehensions of the community. By the report of the postmaster-general, in answer to a resolution of the senate, it ap-

* American Annual Register.

peared that he had removed between the 4th of March, 1829, and the 22d of March, 1830, four hundred and ninety-one postmasters.*

At the commencement of General Jackson's administration there was a disposition generally evinced among his opponents to give his measures a fair trial. Some uncertainty existed as to the policy which the new president might feel bound to adopt. The inferences which the public had drawn as to his principles from his votes when in the senate of the United States, had been rendered somewhat uncertain by the contradictory assertions made by his supporters in different sections of the Union, and by the decided political character of that portion of his adherents who had been ranked in the previous contest, of 1824, among the friends of the late secretary of the treasury, Mr. Crawford. That class of public men was regarded as contending for a strict construction of the federal constitution, and their support was given to Mr. Crawford upon principles of opposition to the policy that governed the administration of Mr. Monroe. All the other candidates in that contest were sustained upon a contrary principle. The construction given to the federal constitution by which Congress was deemed to be empowered to protect domestic manufactures, to appropriate moneys for works of internal improvement, to create a United States bank, and generally to regulate and control all affairs strictly national, had become the settled policy of the country. Strong objections were still urged to this construction by the representatives from the southern states, and by some of the leading friends of Mr. Crawford in other sections of the Union. But it had been too long and too generally acquiesced in, to permit the hope of a successful appeal to public opinion in behalf of candidates offered upon principles of opposition to that construction. All the candidates for president in 1824 consequently were understood to be in favor of that construction.

General Jackson had not occupied so conspicuous a station in political life as either of the other candidates; but while in the United States senate, he had been no less decided in his opinions on the long-disputed question as to the constructive powers of Congress. During his short term of service in that body, he had voted in the affirmative on eight different bills providing for internal improvement by the general government; and his vote in favor of the tariff of 1824—a tariff which was founded on the principle of protection—afforded sufficient evidence that his opinions accorded rather with those of Mr. Adams, Mr. Clay, and Mr. Calhoun, than with those of the supporters of Mr. Crawford.†

It may be remarked that Mr. Crawford himself, when a member of the United States senate in 1810, advocated the recharter of the first bank of the United States; and, while subsequently a member of the cabinet, was understood to be in favor of internal improvements by the general government, and a protective tariff. Mr. Calhoun had supported in Congress

* American Annual Register. † Ibid.

the protective features of the tariff, and the incorporation of a national bank, in 1816; and had efficiently contributed, when in Congress, and also while in the cabinet, to the adoption of a national system of internal improvements.

The determination of the respective friends of Jackson, Crawford, and Calhoun, to combine in support of the general at the election of 1828, induced much speculation as to the political course which would be pursued by his administration in the event of success; and it was predicted that a party so constituted could not continue united after the government should fall into its hands, without a complete sacrifice of principle by one of the sections of the combination.

The president would, of course, be compelled to adopt the literal construction of the constitution, as held in Virginia and other southern states, or to pursue the policy marked out by his predecessors. During the pendency of the election, the public might be left in doubt. Such as were inclined to promote his elevation in the north and west, could justify their preference by appealing to his votes, when in the senate, in favor of the tariff and internal improvement, while his supporters in the south could be equally zealous, either relying upon a more intimate acquaintance with his opinions, or upon those measures which his character as a candidate sustained upon the principle of reform, should compel him to adopt in case of success. But after his inauguration, he must decide between these conflicting pretensions, and this would compel those to whom that decision should prove unpalatable, to decide in their turn between the abandonment of their political party or their principles. This very position, properly viewed, was but another of the fortunate circumstances in which the successful competitor for the chief magistracy found himself placed at the time of his elevation. Chosen by an overwhelming majority of the electoral votes, he owed his success to his own popularity. Generally sanctioning the policy under which our national institutions had been built up, he was at liberty to review his opinions, and to establish them upon incontrovertible and immutable grounds. His administration was not bound to persist in any particular measures which experience had proved to be inexpedient; but claiming, as it did, to be constituted upon the basis of reform, it was able to modify the existing policy, and to carry out its principles under all the advantages offered by the light of experience and the development of public opinion. Equally uncommitted was he respecting the parties which had formerly distracted the country. His advice to Mr. Monroe, in 1816, to discard all party feelings, and to remember that, as chief magistrate, he acted for the whole and not a part of the community—sentiments which did equal honor to his head and his heart, and which he reiterated as his settled opinion in 1824—left him free to call to his councils the ablest and most virtuous men of the nation, without regard to the party denominations by which they had been previously distinguished.

Under these fortunate circumstances, General Jackson had assumed the executive government, with a surplus of more than five millions of dollars in the national treasury, the country respected abroad, at peace with all the world, and in a state of unexampled and progressive domestic prosperity.*

Such was the state of affairs when the twenty-first Congress assembled on the 7th of December, 1829; and this first session continued until the 31st of May, 1830. The majority in each branch in favor of the new administration was decided. The vice-president being absent at the commencement of the session, Samuel Smith, of Maryland, resumed the chair, as president *pro tempore* of the senate. In the house of representatives, Andrew Stevenson was re-elected speaker by 152 votes against 39.

The message of the president in point of expression was considered equal to those of his predecessors, and gave an elaborate view of the foreign relations and domestic concerns of the United States. Many of its recommendations were considered at this session of Congress, but in several instances the president's views met with an unfavorable reception from his friends in both houses. On the subject of a renewal of the charter of the bank of the United States, the standing committees of the senate and the house, to whom it was referred, made reports diametrically opposite to the recommendation of the president. The friends of the administration formed a majority in both committees, and the marked difference in the opinions entertained by them from that expressed in the president's message, afforded a striking proof of the want of harmony between the president and cabinet, and the party which had brought them into power. Committees on retrenchment and reform made reports on those subjects, but found little favor in either house, and nothing effectual was done on the subject. The amendments to the constitution recommended by the president were deemed equally unimportant, and were treated with like neglect. On the subject of a revision of the tariff, the recommendation of the president met with more favor. Although somewhat ambiguously expressed, the views of the president, as set forth in his message, were understood as hostile to the protective policy. With a view of effecting a modification of the revenue system, several bills were introduced to repeal or diminish the duties on various articles of general consumption.

The tariff of 1828 became a law during the excitement of the presidential election, and in adjusting its details, more regard had been paid to the political effect of the law, than to the permanent interests of the country, or to the rules of political economy. Hostility to the tariff had been manifested early in the session of 1829–'30, by many of the friends of the administration; but an equally strong feeling of dissatisfaction with the existing law, on the ground of its inadequate protection to the woollen manufactures, had induced the friends of the policy to bring forward

* American Annual Register.

the subject, with the view of obtaining a modification of the law more favorable to their interests, and to prevent the frauds which were alleged to be daily practised on the revenue.

A bill was accordingly reported in the house of representatives, by Mr. Mallary, chairman of the committee on manufactures, on the 27th of January, 1830, to regulate the entry of importations of woollens. After much debate in both houses, it was passed, and being sanctioned by the president, became a law in May following.

Several unsuccessful attempts were made to engraft upon the above-mentioned bill amendments reducing the duties on various articles. It was finally concluded to attack the tariff in detail, and separate bills were introduced, providing for a reduction of duties on salt and molasses; both of which were passed, by considerable majorities. Another bill was passed, reducing the duties on tea and coffee.

The following laws, in addition to the foregoing, were the most important which were passed during this session: For the reappropriation of thirty thousand dollars for the suppression of the slave-trade, which had been appropriated two years before, but was not expended, and which was founded on an act of Congress of 1819; for repealing an act imposing tonnage duties on vessels of which the officers and two thirds of the seamen were citizens of the United States; for the more effectual collection of impost duties, appointing eight additional appraisers to examine goods imported, but no new regulations to prevent defaults in the officers of the customs; for the appointment of an additional officer to be attached to the treasury department, called the solicitor of the treasury; for allowing a drawback on spirits exported, distilled from molasses, which the existing laws did not permit; for allowing a portion of the claims of Massachusetts, for services and expenses of the militia in 1812–'14, in time of war, and for which that state had not been reimbursed, the amount allowed being four hundred and thirty thousand dollars, about half the sum claimed; for the removal of the Indians from lands occupied by them within any state of the Union, to a territory west of the Mississippi, and without the limits of any state or organized territory, and belonging to the United States, by purchase or relinquishment of the Indians, by treaty; to divide such territory into districts, for the reception and permanent settlement of those who should consent to emigrate from their residence on the east of that river, they relinquishing all claims to lands they then occupied; the tribes to have the solemn assurance of government that it will *for ever* secure and guaranty to them and their posterity, the tract of country so exchanged with them for the lands they should quit in Georgia, Alabama, and any other states; and should they abandon the territory at a future time, the same to revert to the United States; the Indians to have the amount of their improvements made on the lands they may leave; to be aided in their removal, and supported for one year by the

federal government; to be protected against assaults from other tribes in the vicinity of their new residence; and five hundred thousand dollars were granted for carrying the act into effect.*

A highly-interesting debate took place in the senate during this session, on a resolution offered on the 29th of December, 1829, by Mr. Foot, of Connecticut, on the subject of the public lands. The resolution proposed an inquiry into the expediency of limiting, for a certain period, the sales of the public lands to such lands only as had been offered for sale, and were subject to entry at the minimum price, and to abolish the office of surveyor-general. The subject was of great interest to all the members of the senate, and gave rise to an extended debate, in which Mr. Hayne, of South Carolina, Mr. Webster, of Massachusetts, and Mr. Benton, of Missouri, were most conspicuous.

The discussion took a wide range, and the speakers wandered from the subject of the public lands to discuss almost every topic of general interest connected with the politics of the day. The senator from South Carolina took this occasion, not only to reproach the eastern states with a design to prevent the settlement of the west, from sectional or political views, but to plead for the doctrine of state-rights and power to an extent considered by some as novel and alarming.

Mr. Hayne contended that his views of the principles of the constitution were sustained by the resolutions of the Virginia legislature, adopted in 1798, and which were drawn up by Mr. Madison, who was one of the principal framers of the constitution. Mr. Webster replied to Mr. Hayne, in one of the most powerful and effective speeches ever delivered in Congress. His argument on the powers of the federal government granted by the constitution, as being paramount in certain cases to the authority of the states, was admitted by a large portion of the people of the United States to be sound and entirely unanswerable. He contended, that on subjects fully committed to the general government by the constitution, its powers were exclusive and unlimited; that no one state, nor even a number of states, might justly interfere with its measures; and that the public lands, not particularly and expressly ceded to a state, were solely at the disposal and under the jurisdiction of the United States government. He said he was not averse to the policy of retaining a large part of the lands for a future revenue, and yet was in favor of selling small tracts to actual settlers, and thus gradually to fill up the vacant territory with inhabitants.

The effect of this speech throughout the Union was destructive to the hopes of the advocates of nullification. They had been gradually gaining strength, owing in a great measure to the inattention of the public to the pernicious consequences of their doctrines. In Georgia they formed a majority, had carried their principles into practical effect, and their doc-

* Bradford.

trines had received the implied sanction of the president in reference to the Indian question. In South Carolina and Virginia they constituted a majority of the legislatures; and in New York an obvious leaning toward the same principles was manifested by the dominant party under a professed attachment to state-rights.

Public opinion, however, was now fully awakened. The language of the senator from Massachusetts met with a ready response from a large proportion of the American people, who felt the Union to be in danger from the doctrine of nullification, and both parties evinced their attachment to the constitution by the warmest approbation of the sentiments advanced by Mr. Webster.*

Although the unequivocal testimonies of popular feeling checked the tendency on the part of many leading politicians to nullification, and the doctrines of Mr. Webster's speech were in substance sustained subsequently by President Jackson in his proclamation respecting the difficulties in South Carolina, in 1832; yet the views of Mr. Hayne respecting state-rights and the powers of the general government continued to be entertained and asserted by a large and respectable portion of the people of the southern states.

Besides those of Mr. Hayne and Mr. Webster, many of the other speeches in the senate during the great debate referred to, were distinguished for eloquence, ingenuity, and power. No particular law resulted from this protracted and able discussion.

A warm opposition was instituted in the senate to the whole course of the executive in relation to removals from office: first, on the ground of their unconstitutionality; and, second, on that of inexpediency. The opposition failed on both points; and on the first it can hardly be doubted that it was unsound in principle. The expediency of the reform itself was a subject of greater difference of opinion. The consequence was, that the senate rejected many of the appointments made during the recess, and in some instances the vote rejecting them was so large as to convey a strong censure upon the selections of the president.

There were early indications of a want of harmony among the different sections of which the administration party was composed. Efforts had been made from the commencement of the presidential term of General Jackson, by the respective partisans of the vice-president and of the secretary of state, to direct the executive patronage to the aggrandizement of their own friends. A division of the party was early seen to be inevitable, but the personal predilections of the president were as yet unknown. In the formation of the cabinet, the first post had been given to Mr. Van Buren himself, but the extensive influence of the treasury department was placed under the control of Mr. Ingham, a devoted friend of the vice-president. The other members of the cabinet were not selected with

* American Annual Register.

reference to the views of either of the competitors for the succession to the presidency, but upon grounds of personal preference on the part of the president. The views of the secretary of state and of the secretary of the navy had not harmonized with those of the secretaries of war and of the treasury. The attorney general had belonged to the old federal party, and the postmaster-general had not shown that his political principles necessarily inclined him to a narrow construction of the powers of the federal government. Upon the whole, however, the cabinet was formed with an apparent preference of the political creed professed by the friends of the vice-president, rather than that of the radical party. The star of the vice-president was deemed to be in the ascendant, and it was generally believed that the influence of the executive would be exerted to promote his elevation to the presidential chair upon his own retirement. These opinions, however, were not realized.

While the patronage of the executive was so directed publicly to strengthen Mr. Calhoun's political party, by placing many of his friends in important posts, the ground on which he stood was crumbling beneath him, and measures were in train to create a breach between him and the president. To him, as a more early and efficient supporter, the president had given a greater share of confidence, and manifested a warmer feeling, than he had originally bestowed upon the secretary of state. In this particular the secretary labored under a disadvantage; but circumstances soon enabled him to obtain a great superiority of influence over the mind of the president.

The secretary of war had been brought into the cabinet on account of the confidential relations and intimate friendship subsisting between him and the president, and of course was entitled to and received his entire confidence. Upon the arrival of the secretary of state at Washington, he found a coolness existing between the secretary of war and the vice-president, and a division in the cabinet itself, in consequence of some disagreement in their private relations. As the president warmly sympathized in the feelings and resentment of the secretary of war on this point, the secretaries of the treasury and navy, as the objects of that resentment, gradually lost his confidence, which was transferred to the secretary of state, whose course both in public and private had so completely harmonized with the wishes of himself and his friends.*

The loss of influence on the part of the secretary of the treasury had impaired the indirect power of Mr. Calhoun, and the same cause had injured his own standing with the executive. No open breach had, however, as yet taken place between them, and the vice-president and his friends in Congress continued to support the administration, some of whose appointments were carried by the casting vote of the vice-president, as president of the senate.

* American Annual Register.

Affairs remained on this uncertain footing until nearly the close of the first session of the twenty-first Congress. At that time, and after the greater part of the questionable nominations had been confirmed, a movement was made which ripened the misunderstanding between the president and the vice-president into a complete alienation of feeling, and prepared the way for an open rupture. Before this event occurred, the influence of the controversy above alluded to had effected a change in the political relations of some of the members of the cabinet; and upon that question the president, the secretaries of state and of war, and the postmaster-general, were opposed to the secretaries of the treasury and navy, and the attorney general; and the division was understood to have no inconsiderable bearing upon other questions of greater importance.

This misunderstanding continued to increase, until finally an open rupture was produced. This quarrel, however, professedly originated in the view taken by Mr. Calhoun of the conduct of General Jackson during the Seminole campaign, in 1818.

General Jackson had commanded the American troops in that war, and acting, as he conceived, in the execution of his orders, had invaded the territory of Florida, then belonging to Spain, and occupied the forts and town of Pensacola, to which the Indians had fled for protection. The Spanish minister at Washington remonstrated, and in the discussions which took place in Mr. Monroe's cabinet respecting this transaction, Mr. Calhoun, as secretary of war, proposed that a court of inquiry should be held on General Jackson's conduct, inasmuch as he had transcended his orders.

Mr. Crawford, then secretary of the treasury, also advocated a course which would have been deemed a censure on General Jackson; but the secretary of state (Mr. Adams), conceding that the orders from the war department had been transcended, so forcibly vindicated the course of General Jackson, upon principles of national law, that all proceedings against him were relinquished, and the government determined, in its discussions with Spain, to justify the invasion, while it delivered up the posts. This was done by an able reply from the secretary of state to the complaints of the Spanish minister, in which the course of the American general was successfully vindicated.

The subject was afterward agitated in Congress, and the friends of Mr. Crawford in that body were particularly distinguished for their efforts to censure the conduct of General Jackson. As might have been expected, the general felt greatly aggrieved by this attack, and his resentment was roused both against Mr. Crawford and Mr. Clay, whose opinions on this subject were openly avowed, in the debate on the Seminole war. Toward Mr. Adams, by whom he had been so ably defended, and toward Mr Calhoun, who had publicly sustained him, notwithstanding his first impressions, he had, until lately, expressed the warmest feelings of gratitude.

This harmonious footing (with regard to the latter), which was first disturbed by the controversy above mentioned, was now destined to be totally destroyed.

Toward the close of the first session of the twenty-first Congress, a letter from Mr. Crawford to Mr. Forsyth was placed in the hands of General Jackson, by the agency of a particular friend of the secretary of state, then at Washington, accusing Mr. Calhoun of having proposed a censure upon him for his conduct in the Seminole campaign. This letter was transmitted to Mr. Calhoun by the president, with an intimation, that it was so contrary to his impressions of the course he had supposed Mr. Calhoun to have pursued, as to require some explanation. Mr. Calhoun replied, and showed, by referring to the correspondence between General Jackson and the government, in 1818, that he must have known Mr. Calhoun's opinion to be that he had transcended his orders, and that his vindication had then been placed on other and distinct grounds. Mr. Calhoun then proceeded to inquire into the motives which had led, at this late period, to a renewal of this discussion, and avowed his belief that it had originated in a desire to detract from his influence with the president, and thus to destroy his political standing with the friends of the administration. A long and protracted correspondence ensued, in which the late secretary of the treasury, Mr. Crawford, and several of his confidential friends took part, and although the secretary of state distinctly disclaimed all knowledge of the preliminary movements, and all motive to detract from the political standing of the vice-president, still, their respective claims upon the succession, his course in public and private, after being appointed secretary of state, and the political relations of the agents who appeared as the prime movers in this affair, produced a general impression that its sole object was to create a breach between the president and vice-president, with the view of destroying the influence of a formidable competitor for public favor.*

Having alluded to the subject of nullification, as evinced by the acts of a portion of the people of the southern states, at this period, it is proper that we should notice in this place the origin and progress of that political doctrine, as connected with controversies and events which occurred during this administration. It may be remarked, as a general proposition, that the southern states have, with the exception of South Carolina, been uniformly hostile to the exercise of power by the general government. That state, although voting with the adjacent states on all local and on most national questions, had on some occasions, as in 1790, '91, and in 1816, been foremost in asserting the right of Congress to legislate on certain disputed points. Among those were the subjects of internal improvement, the United States bank, and the tariff. A change of opinion had now taken place there, and it began to go beyond any of the advocates of state-rights, in its assertion of state sovereignty. A vehement opposition to a

* American Annual Register.

protective tariff, both in 1824 and on the subsequent modification in 1828, had been led by the talented delegation in Congress, and when they were defeated in the halls of legislation, with characteristic energy they renewed their efforts to overturn the system, and to render it unpopular with the people.

At first it was contemplated, on its passage, to resign their seats in Congress, and a meeting of the delegation was held at Washington, with the view of deciding upon the steps which should be taken. This proposition was discussed, together with that of declaring the law to be void and of no effect within the state, and the chances of a successful resistance to the federal government were freely canvassed.

The delegation, however, did not concur in adopting violent measures, and it was determined to endeavor, upon their return home, to rouse their constituents to a more effectual opposition to the protective system. No exertions were spared to excite public feeling against the law. It was denounced as a measure local in its character, partial and oppressive in its operation, and unconstitutional in principle.

Having convinced themselves of this, they began to question the right of the federal government to require obedience, and almost simultaneously with the legislature of Georgia, which, December 24, 1827, resolved to submit only to its own construction of the federal compact, the senate of South Carolina instituted a committee to inquire into the powers of the federal government, in reference to certain subjects then agitated.

The report of this committee, which received the sanction of both branches of the legislature, in December, 1827, asserted that the federal constitution was a compact originally formed, not between the people of the United States at large, but between the people of the different states, as distinct and independent sovereignties; and that when any violation of the letter or spirit of that compact took place, it is not only the right of the people, but of the state legislatures, to remonstrate against it; that the federal government was responsible to the people whenever it abused or injudiciously exercised powers intrusted to it, and that it was responsible to the state legislatures whenever it assumed powers not conferred. Admitting that, under the constitution, a tribunal was appointed to decide controversies, where the United States was a party, the report contended that some questions must occur between the United States and the states, which it would be unsafe to submit to any judicial tribunal. The supreme court had already manifested an undue leaning in favor of the federal government; and when the constitution was violated in its spirit, and not literally, there was peculiar propriety in a state legislature's undertaking to decide for itself, inasmuch as the constitution had not provided any remedy.

The report then proceeded to declare all legislation for the protection of domestic manufactures to be unconstitutional, as being in favor of a

local interest, and that Congress had no power to legislate, except upon subjects of general interest. The power to construct roads and canals within the limits of a state, or to appropriate money for that purpose, was also denounced as unconstitutional, as was all legislation for the purpose of meliorating the condition of the free colored or the slave population of the United States.

On this last topic, it was intimated that no reasoning could take place between the United States and South Carolina. It was a question of feeling too intimately connected with their tranquillity and safety to be discussed.

In remonstrating against these violations of the constitution, the state should appear as a sovereign, and not as a suppliant, before the national legislature; and resolutions, expressive of the approbation of the state legislature of these principles, having passed both houses, they were transmitted, with the report, to the delegation in Congress, to be laid before that body, then engaged in the consideration of the tariff.

That law having passed, the legislature of the state, at the next session, sanctioned a protest against it as unconstitutional, oppressive, and unjust, which was transmitted to their senators, to be entered upon the journal of the senate. This was done on the 10th of February, 1829. The change which took place in the federal government caused a belief that some satisfactory modification would be made of the tariff; and during the summer of 1829 the excitement appeared to be directed less against the administration, and more concentrated against the law itself. The doctrine, however, of the right of a state to nullify an act of Congress was not relinquished, although it seemed to be conceded that it would be best to attempt first to procure the repeal of the obnoxious law. In these opinions the state government of Georgia fully concurred. As a measure of policy, the tariff was equally unpopular; and the controversy respecting the Indians had been carried to that length, as to bring the state in collision with a law of Congress, and to induce the legislature to declare that it should be disregarded and held void.

The legislature of Virginia also declared its assent to the same principle of nullification, by a vote of 134 to 68; and judging from the opinions expressed by the public functionaries of those states, the time appeared to be near at hand when the Union was about to be dissolved, by the determination of a large section not to submit to the laws of the federal government, nor to any common tribunal appointed to decide upon their constitutionality.

A check was indeed given to this spirit by the state of North Carolina, which, although not then less averse to the policy of the tariff, declared itself against all violent measures in opposition to it.

The state of Alabama also, in 1828, when remonstrating against the passage of the tariff, conceded the right of Congress to pass revenue laws,

although the incidental effect might be to protect domestic manufactures. In 1829, indeed, this state went further, and assumed nearly the same ground with Virginia, South Carolina, and Georgia; still the qualified opposition first made to the law, proved that the south was not united in the unconstitutional stand taken by some of the states on that subject, and that the injustice and oppression which were so vehemently denounced, were not so plainly and generally felt as to render resistance to the tariff a popular step. Indeed, it was doubted whether the feelings of the people in the three states which had declared in favor of nullification, were not misrepresented by the local legislatures. However decidedly they might have disapproved of the policy of protection, no sufficient evidence had yet been given that they deemed it a greater evil than disunion; and the declarations and resolutions put forth by the state governments were considered as the sudden ebullitions of violent feelings, or as efforts on the part of leading men to excite a tempest in the public mind for political effect. This movement was not rendered less dangerous by the motives of those who made it. When the storm began to rage, it would be impossible to control it. It might as easily break down the barriers of the constitution and overturn the government, as annul an unpopular law. The federative principle of the constitution, and the whole authority of Congress and of the federal judiciary, were put in issue by the question now started, and however unwilling the leaders might be to destroy the Union, still experience had too clearly shown the difficulty of restraining an excited people, not to create apprehension as to the result of these efforts to throw off the authority of the general government. Similar movements in another portion of the Union, also originating in local interests, and aiming at an extension of state sovereignty, to the detriment of the just claims of the federal government, gave additional ground for these apprehensions. Efforts had been made of late years, in some of the western states, to induce them to claim, under pretence of their rights as sovereign states, the public lands belonging to the United States within their several limits.* This subject gave rise to the important debate in the senate on Mr. Foot's resolutions, in 1830, already noticed.

The question of internal improvements by the general government was discussed during the first session of the twenty-first Congress, when it appeared that the friends of the system retained a majority in both houses. Among the bills passed at this session was one authorizing a subscription to the stock of the Maysville and Lexington road company, in Kentucky. It passed the house by a vote of 102 to 85, and the senate 24 to 18. After retaining the bill eight days, the president returned it to the house on the 27th of May, 1830, with his objections, as set forth in his message of that date.

The reading of this veto message caused much excitement in Congress

* American Annual Register.

Many of the friends of the president from Pennsylvania, and from the west, had relied upon his adhering to his former opinions upon this question, and this message first forced upon their minds a conviction as unwelcome as it was unexpected. The question being taken upon the passage of the bill, notwithstanding the objections of the president, after a warm debate on the reconsideration, the vote stood, yeas 96, nays 92. Two thirds of the house not agreeing to pass the bill, it was rejected, although a majority of the house thus refused to sustain the objections of the president.

On the 29th of May, the house of representatives took up several bills relating to internal improvement which originated in the senate, and, notwithstanding the presidential veto of the Maysville road bill, passed, by large majorities, three acts, viz.: 1st, authorizing a subscription to the Washington turnpike company; 2d, authorizing a subscription to the Louisville and Portland canal company; 3d, appropriating money for lighthouses, improving harbors, directing surveys, &c. The first bill, being similar to the one already rejected by the president, was returned by him to the senate, where it originated, with a reference to the message on the Maysville bill for his reasons. The senate then proceeded to reconsider the bill, and on the question of its passage, notwithstanding the objections of the president, the vote stood, yeas 21, nays 17, and the majority being less than two thirds, the bill was rejected.

The other two bills were retained by the president for further consideration, untill the next session of Congress. This determination of the executive against the system of internal improvement, gave great offence to many of his friends, and entirely alienated some from his party. Even in Congress such an increasing want of confidence was manifested, that the decided majorities which the administration possessed in both houses at the commencement of the session, had dwindled before its close into feeble and inefficient minorities. Nor was this the only difficulty in which the executive was involved by the course taken on internal improvement. He had sanctioned a bill for continuing the Cumberland road, and making other appropriations for roads and surveys; and another for the improvement of harbors and rivers, both of which were branches in the general system of internal improvement. The former bill he approved of, with a qualification, by referring to a message sent to the house, together with the bill, wherein he declared, that as a section appropriating $8,000 for the road from Detroit to Chicago, might be construed to authorize the application of the appropriation to continue the road beyond the territory of Michigan, he desired to be understood as having approved the bill, with the understanding that the road is not to be extended beyond the limits of the said territory. The novelty of this act on the part of the president, attracted much attention, as the constitution confines the action

of the president on the legislation of Congress to a mere naked right of approval or disapproval.

The approval of the acts authorizing the appropriations above mentioned, left it still doubtful how far the president felt at liberty to assent to internal improvement bills, and of the exact extent and limits of the principles by which he intended to be governed during the residue of his administration. Some dissatisfaction was excited by the unusual course he adopted, of retaining bills until the next session; and the country looked forward with some curiosity for the further development of his views on this question, at the next session of Congress.*

The most important of the foreign relations of the United States left unsettled by President Adams, were those of the commercial intercourse with Great Britain, and the boundaries between the American colonies of that power and the United States; and the claims of the United States on France for indemnity on account of depredations on our commerce and navigation. Efforts had been making, for more than ten years, to obtain compensation for these losses, but the subject had not been finally and satisfactorily settled. And the restrictions imposed by the British government on the trade between the British colonies and the United States, had not been removed.

In July, 1825, the former colonial policy was somewhat changed by the British administration; and efforts were made for supplying the West India islands, which had received various articles from the United States, from their possessions on the American continent, namely, Canada, Nova Scotia, and New Brunswick. Trade was opened to and with all other nations to which colonies belonged; so that the United States were excluded from the benefits which the nations of Europe might secure. There was another difficulty attending the subject. While the federal administration was considering in what way the United States could best avail itself of this measure of the British government, the latter, in July, 1826, passed an order excluding the vessels of the United States from their colonial ports. And in this state the commercial relations of the two countries remained when President Adams retired from office.†

Mr. Gallatin, envoy at the court of England, returned in 1827, and Mr. Barbour was appointed his successor by Mr. Adams, in May, 1828. In 1829, President Jackson appointed Louis M'Lane, of Delaware, envoy to Great Britain, William C. Rives, of Virginia, to France, and Cornelius P. Van Ness to Spain.

By an act of Congress of May, 1830, provision was made for reviving and opening the direct trade with the British ports in the West India islands; which had long been prevented by the measures of the British government. The terms proposed in this act of Congress were accepted by the British ministry, after having put their own construction upon them.

* American Annual Register. † Bradford.

The loss of the colonial trade was imputed entirely to the mismanagement of the administration of Mr. Adams, and the Jackson administration came into power under strong assurances on the part of its friends, that no effort would be spared to induce England to open the West India ports to American vessels.

Accordingly, shortly after the inauguration of General Jackson, Mr. M'Lane, of Delaware, was appointed minister to England, with special instructions on this point. The secretary of state, in these instructions, stated that there were three grounds on which the United States were assailable: "1st, in their too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2d, in confining British vessels to the direct voyage, after the passage of the act of parliament of 1825; and 3d, in omitting to accept the terms offered by that act." Mr. M'Lane was instructed to obviate the unfavorable impression produced by these circumstances; and, to enable him so to do, he was authorized to say to the British government, that the United States would recede from those grounds, by abolishing the discriminating duties on British vessels coming from the colonies; by repealing the provisions of the act of Congress of 1823; and by acceding to the terms of the act of parliament of 1825. The instructions then proceed to say, that the British government ought not to object to entering into this arrangement on account of the omission of the government of the United States to accept of those terms when formerly offered; that Mr. M'Lane knew of the course taken by the party now in power, in reference to the policy of the late administration on that question, and he was authorized to state to the British government that the pretensions of that administration had not been sustained by the people of the United States, and were not to be regarded as the views of the government.

Mr. M'Lane, shortly after his arrival in London, communicated to the earl of Aberdeen the grounds upon which he desired to open the negotiation. To this communication no reply was made, except one generally, professing a friendly feeling, and a desire to amicably adjust the business. The verbal conferences between the negotiators, however, continued, and the cabinet at Washington felt so desirous of regaining the trade, that toward the close of the session, a special message on the subject was sent to Congress (dated May 26, 1830), which was committed, in the house, to the committee on commerce, who the next day reported a bill authorizing the president to suspend or repeal by proclamation, the acts of Congress of 1818, 1820, and 1823, whenever he could be satisfied that Great Britain would open the West India ports, for an indefinite or a limited term, to American vessels from the United States, subject to the same duties as British vessels from the United States; and that American vessels would be permitted to carry the produce of those islands to all countries except British possessions, to which British vessels were permitted to carry it.

The ports of the United States were then to be opened to British vessels from the colonies, upon the same terms as American vessels.

After the passage of this act by Congress, it was immediately communicated to the British government, as an additional proof of the disposition of the American government to relinquish the stand it had hitherto taken on this question, and the secretary of state, in his letter of June 18, 1830, informing Mr. M'Lane of its passage, instructed him to so represent it to the British government. It was so represented; and our minister, in his letter to the earl of Aberdeen, of July 12, declared, that "the law conceded in its terms all the power in the regulation of the colonial trade to Great Britain, and that it authorized the president to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain had at any time demanded or desired.

These concessions were at length deemed sufficient by the British government; and on the 17th of August, 1830, an answer was given by the earl of Aberdeen, in which these concessions and abandonment of a principle long contended for, are specifically recapitulated, as if to preclude the United States from again insisting upon it; a construction put upon the late act of Congress agreeable to the views of Great Britain, an intimation given that the British government contemplated an augmentation of the duties on produce imported directly from the United States, with the view of encouraging the importation through the northern colonies, and finally an assurance made that the carrying into effect of the law of Congress, would remove all difficulty in the way of the renewal of intercourse, on the footing of the act of parliament of 1825.

Upon the receipt of this answer at Washington, the president issued a proclamation, dated October 5, 1830, opening the ports of the United States to British vessels from all the British colonies on or near the North American continent, and declaring the acts of Congress of 1818, 1820, and 1823, absolutely repealed. The trade in British vessels, accordingly, at once commenced, and on the 5th of November following, the British government, by an order of council, opened the colonial ports to vessels of the United States.

The controversy was thus terminated, and, although the principle of reciprocity was so far given up as to concede to Great Britain the circuitous voyage as well as the right to encourage the indirect importation of American produce, through the northern colonies, by augmenting the duties on the direct importation, the United States, on their part, gained a participation in the direct intercourse, upon terms of reciprocity, and the additional privilege of exporting goods from the British colonies to foreign countries. The controversy resulted, substantially, to the advantage of American interests, although the principle contended for by Great Britain prevailed.*

* American Annual Register.

A commercial treaty with the emperor of Brazil was concluded and signed at Rio Janeiro, in December, 1828, on the part of the United States, by Mr. Tudor, the American envoy to that empire, which was ratified by the president and senate in March, 1829. The president and senate also ratified, in March, 1829, a treaty of commerce with the king of Prussia, which had been negotiated at Washington, in May, 1828, by Mr. Clay, then secretary of state, and the Prussian minister. In March, 1830, Mr. Wheaton, American minister to Denmark, negotiated a treaty with that government, by which the sum of six hundred and fifty thousand dollars was recovered for spoliations on American commerce by Danish vessels. A commercial treaty, the terms of which had been negotiated at Constantinople by Mr. Offley, American consul at Smyrna, who had been authorized by Mr. Adams, in 1828, to act with Captain Crane, of the navy, on the part of the United States, was finally concluded in 1830, by three commissioners on the part of the United States, viz., Mr. Offley, Captain Biddle, of the navy, and Mr. Rhind, United States consul at Odessa; the two latter being appointed commissioners by President Jackson.

The second session of the twenty-first Congress commenced on the 6th of December, 1830, and continued to the 3d of March, 1831. The first topic which engaged the attention of Congress, was the trial of the impeachment of James H. Peck, judge of the district court of Missouri. A complaint had been made to the house of representatives, at the last session, against the judge, by Luke E. Lawless, for having committed him to prison for contempt; and, after a full investigation, it was resolved, by a vote of 123 to 49, that Judge Peck be impeached of high misdemeanors in office. It being necessary to procure the attendance of witnesses from Missouri, the trial of the impeachment was postponed from May to December following, at the next session of Congress, when the trial came on in the senate. Mr. Lawless was a counseller at law in Missouri, and had been committed by Judge Peck for contempt of court, and suspended from practising in that court for eighteen months.

For this arbitrary conduct the judge was impeached, but the senate, believing that he had proceeded upon a mistaken view of the powers of the court, refused to find him guilty upon the article of impeachment. The vote stood, guilty 21, not guilty 22.

This impeachment, however, produced a strong conviction of the necessity of limiting and defining the power of the judiciary, in relation to the law of contempts. It was universally conceded, that the common law doctrine of the English courts was inconsistent with free institutions, and entirely inapplicable to this country. Scarcely, therefore, had the senate determined upon the impeachment of Judge Peck, when a bill was introduced into the house, declaratory of the law concerning contempts of court. The bill, which greatly limited the power of the United States courts, became a law on the 2d of March, 1831.

The subject of internal improvement was again agitated at this session of Congress. The president returned the two bills mentioned in a preceding page, which he had retained at the last session, and he now gave his reasons for withholding his assent to them. He objected to the power of making internal improvements by the general government, and recommended the distribution of the surplus funds in the national treasury among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

The proposition was generally regarded as evidence of the hostility of the president to the whole policy; and that part of his message being referred to the committee on internal improvement, a report was brought in by Mr. Hemphill, an administration member of the house from Pennsylvania, strongly and pointedly condemning the views contained in the message, and concluding with a resolution that it is expedient for the general government to continue to prosecute internal improvements by direct appropriations of money, or by subscriptions for stock in companies incorporated in the respective states.

This intimation on the part of the friends of internal improvement, of their determination to act on that question in defiance of the opinions of the president, was followed up by the introduction of several bills for the internal improvement of the country. The first of these bills was one making appropriations for the improvement of harbors, and removing obstructions in rivers. It passed the house by a vote of 136 yeas to 53 nays, and the senate by 28 to 6.

The decisive votes in both houses, on this bill, showed the determination of Congress to act on the subject of internal improvement, without regard to the veto of the president, and as the friends of the bill now formed more than two thirds of Congress, the executive yielded his scruples to the force of public opinion, and signed the bill. The constitutional objection to the power of the federal government, was no longer adhered to by the president, and he also gave his assent to a bill making large appropriations for carrying on certain roads and works of internal improvement, including improvements of rivers, and providing for surveys. The bill for building lighthouses passed by large majorities, and was also sanctioned by the president.

The executive thus yielded to public opinion, expressed in Congress, and by the decisive votes given in both houses, the policy of internal improvement was considered as firmly established, although the action of the federal government in relation to the system had been checked by the previous vetoes of the president.

The removal of the Indian tribes from the states of Georgia, Alabama, and Mississippi, to the territory set apart for them west of the Mississippi river, agreeably to the act passed at the first session of the twenty-first Congress, and treaties made with the Indians, excited much attention at

this time, but no further important legislation on the subject took place at the second session of the same Congress. Some difficulties occurred in the Cherokee country, in Georgia, in consequence of the withdrawal of the United States troops, and the enforcement of the state laws by the authorities of Georgia. Some missionaries among the Indians were arrested, tried, and sentenced to the penitentiary of Georgia, for residing in the Cherokee country, contrary to the law of the state, and for having refused to take the oath of allegiance to the state of Georgia. The Cherokees, being between fourteen and fifteen thousand persons east of the Mississippi, refused to remove from their territory, or even to treat for its cession. The Choctaws, a numerous tribe in Mississippi and Alabama, however, made a treaty with the United States for the surrender of their lands, and agreed to remove beyond the Mississippi.

The principal acts of general interest passed at the second session of the twenty-first Congress, besides those relating to internal improvement, were the following: To amend the copyright laws, by which the term of copyright to authors and others was extended to twenty-eight years, with the privilege of renewing the same for fourteen years more; making appropriations for revolutionary and invalid pensioners; to provide for the final settlement and adjustment of the claims preferred by James Monroe, ex-president, against the United States; making appropriations for carrying into effect certain Indian treaties; for the relief of certain insolvent debtors of the United States, extending to all debtors to the general government, except the principals on official bonds, or such as had received the public moneys and not paid the same over to the treasury; for the continuation of the Cumberland road in Ohio, Indiana, and Illinois; confirming the grants of land made by the United States in 1819, for the encouragement of the culture of the vine and olive; granting the control of the national road in Ohio to that state, for the purpose of erecting gates and tollhouses thereon; and an act allowing duties on imports to be paid at Pittsburg, Cincinnati, Nashville, and other ports on the waters of the Ohio and Mississippi rivers.

The alienation of feeling between the president and a large portion of his early and prominent supporters, in consequence of his dispute with the vice-president, had existed some months before it was generally suspected; and although an angry and acrimonious correspondence was carried on between the president and vice-president, in reference to the Seminole campaign, appearances were preserved, and in the divisions which frequently took place in the senate, the executive nominations had the support of the vice-president and his friends. It was intimated shortly before the close of the session, notwithstanding efforts were made to adjust the difficulties, that the correspondence alluded to would be soon laid before the American people. Pursuant to that intimation, the correspondence was published at the adjournment of Congress.

This decisive step plainly indicated a division among the friends of the administration; and as the influence of the vice-president predominated in the southern states, and he was not without friends in the middle states, his appeal began to affect injuriously the administration itself, from a conviction that its head was operated upon by improper feelings and prejudices.

These indications of the withdrawal of public confidence were immediately perceived at Washington, and, with the view of producing a reunion of the party until after the ensuing presidential election, arrangements were made for an entire reorganization of the cabinet. From the moment when the breach was produced between the president and vice-president, the policy of the administration was controlled by the secretary of state, and was in accordance with his opinions, so far as they were understood.*

Previous to this it was understood that the president determined, contrary to the practice of his predecessors, to hold no cabinet councils, and therefore no definite plan of policy was adopted as the result of the joint deliberations of his constitutional advisers. It was charged by the opposition, but denied by the friends of the president, that his opinions were influenced, and appointments to office effected, through the instrumentality of a self-constituted combination, which received the name of "the kitchen cabinet." The persons who were said to compose this cabal were principally office-holders at the seat of government, having subordinate situations in the treasury and other departments. Whether true or false, the existence of this secret influence upon the action of the executive was constantly asserted by the opposition, throughout the greater part of General Jackson's administration, and allusions to the subject will be constantly found repeated in the party journals of the times.

It had now become a desirable object to effect the re-election of President Jackson. The difficulty of uniting the dominant party upon a successor, had induced him to relinquish his professed intention of serving but one term, and he was now formally announced as a candidate for re-election. He was nominated by his friends in the legislature of Pennsylvania, and at the caucus of the Jackson members of the legislature of New York, on the 13th of February, 1830, it was resolved that General Jackson ought again to be nominated for the presidency. This movement, (says Mr. Hammond, in his political history of New York) was probably made at the suggestion of Mr. Van Buren, or some of his confidential friends. It was well known that Mr. Van Buren expected to be the successor of General Jackson. This would afford evidence of the ardent personal attachment of Mr. Van Buren's immediate friends to General Jackson, and aid in securing to that gentleman the continued confidence and support of the president.

General Jackson had, before his election in 1828, expressed an opinion

* American Annual Register.

that the president ought to hold his office but one term, and had recommended an amendment of the constitution to render the president ineligible to two successive elections. But in 1831 he yielded to the importunity of his political friends, and consented to be a candidate for re-election.

It is more than probable that the friends of Mr. Calhoun looked to him as the successor of General Jackson, and expected, from the repeated declarations of the president, that he would not allow himself to be again a candidate. They could not, therefore, have learned with much complacency, that the president had changed his determination. Accordingly, it will have been perceived that the solicitations that General Jackson would consent to a re-election, originated, generally, with the friends of Mr. Van Buren.

In this posture of affairs the country was astonished by the information promulgated on the 20th of April, 1831, through the official journal, at the seat of government, that the cabinet ministers of the president had resigned, and the most lively curiosity was manifested to learn the causes of this unexpected movement. The letters of the several members of the cabinet were published, but they served to inflame rather than to gratify the public feeling. The secretary of war, Mr. Eaton, first resigned, without assigning any reason, on the 7th of April, and he was followed by the secretary of state, Mr. Van Buren, on the 11th of April, who assigned as a reason, that circumstances beyond his control had presented him before the public as a candidate for the succession to the presidency, and that the injurious effects necessarily resulting from a cabinet minister's holding that relation to the country, had left him only the alternative of retiring from the administration, or of submitting to a self-disfranchisement, hardly reconcilable with propriety or self-respect. This was considered a curious reason, as Mr. Van Buren had not been formally nominated as a candidate, and men's thoughts had scarcely wandered beyond the election of 1832 to that of 1836.

Intimations having been made to the secretary of the treasury, Mr. Ingham, and Mr. Branch, secretary of the navy, expressive of a wish on the part of the president that they should resign their commissions, their resignations were forthwith made, and were accepted by the president, in formal letters, expressing his satisfaction with their official conduct, and stating his motive for requiring their resignation. This was, to use his own words, that having concluded to accept the resignation of the secretaries of state and of war, he had come to the conviction that he must entirely renew his cabinet. "Its members had been invited by me," he said, "to the stations they occupied. It had come together in great harmony, and as a unit. Under the circumstances in which I found myself, I could not but perceive the propriety of selecting a cabinet composed of entirely new materials, as being calculated, in this respect at least, to command public confidence, and satisfy public opinion."

The intimation of his intention to reorganize his cabinet, was also considered to extend to the attorney-general, Mr. Berrien, who was then on a visit to Georgia. His resignation was accordingly tendered to the president upon his return to the seat of government on the 15th of June.

The cabinet had been partially reorganized about a month previous, by the appointment of the secretaries of state and of the navy. The arrangements, however, were not finally completed until after the resignation of the attorney-general; and it was then generally understood that the postmaster-general would not follow the example of the other members of the administration—it being deemed improper for him to retire, while the charge made in the senate, just before the adjournment, of his having behaved corruptly in his office, remained neither withdrawn, nor explained, nor investigated.*

Notwithstanding two months had elapsed between the resignations of the secretaries and that of the attorney-general, nothing transpired to throw light upon the real cause of the dissolution of the cabinet. The mystery was finally developed by a communication of the attorney-general to the public, in which the cause of this want of harmony in the administration was attributed to a determination to compel the families of the dismissed members of the cabinet to associate with the wife of the secretary of war. By this statement it appeared that these ladies had, in accordance with the general understanding of the female part of society at Washington, declined to visit the family of the secretary of war, and that this neglect, being resented by that gentleman, had produced a coolness between him and the heads of those families. As the president warmly espoused the feelings of the secretary of war, as of an old and confidential friend, it was rumored, early in the year, that their removal would be a consequence of this resentment; and the attorney-general stated, that about that time a confidential friend of the president (Richard M. Johnson) called upon him and the other refractory members, as from the president, and intimated to them, that unless they would consent to at least a formal intercourse between their families and that of the secretary of war, he had determined to remove them from office. They replied, that while they felt bound to maintain a frank and harmonious intercourse with their colleagues, they would not permit any interference with the social relations of their families, and wholly refused to comply with the request. Other friends, however, interfered, and the president was induced to waive any further prosecution of the subject at that time.†

To that refusal, however, he attributed the want of harmony of the cabinet, and its consequent dissolution.

This charge, from a high and unquestioned source, imputing an interference with the private and domestic relations of the members of his cabinet, produced a strong impression upon the public mind; and with the

* American Annual Register. † Ibid.

view of obviating that unfavorable impression, a different version was soon furnished of these transactions, by the friends of the administration According to this version, it seemed that the president, believing that a combination had been entered into by the vice-president and a portion of his cabinet, to drive the secretary of war from the administration, by excluding his family from society, had determined on reorganizing his cabinet, unless its members would consent to meet upon terms of harmonious intercourse. With the view of averting that result, Colonel R. M. Johnson called upon the members of the cabinet, and suggested to them the propriety of associating with the family of the secretary of war, or at least of assenting to a formal intercourse, which would be all that the president could desire. In making this proposition, Colonel Johnson asserted, that he was actuated solely by a desire to prevent a dissolution of the cabinet; that it was upon his own authority; and that he was in no shape authorized by the president to make any such requisition.

This version was sustained by an authorized publication on the part of the president, while that of the attorney-general was supported by the testimony of the secretaries of the navy and of the treasury.*

The consequence of this explosion of the cabinet, and the quarrel between the president and vice-president before mentioned, was to place the latter, and his friends generally, in opposition to the administration, and to advance the political fortunes of Mr. Van Buren, in consequence of his close connexion with General Jackson and those devoted to his interest.

The new cabinet, which was not completely organized until late in the summer of 1831, was constituted as follows:—

Edward Livingston, of Louisiana, secretary of state; Louis M'Lane, of Delaware, secretary of the treasury; Lewis Cass, of Ohio, secretary of war; Levi Woodbury, of New Hampshire, secretary of the navy; Roger B. Taney, of Maryland, attorney-general.

This cabinet was not only superior to that which preceded it, but might fairly compare, in point of talent and ability, with most of those of previous administrations; and its character furnished strong testimony of the tribute paid to public opinion in the selection of his advisers, by a chief magistrate of great personal popularity.

Before the organization of this cabinet, an opposition was formed to the re-election of General Jackson, on various grounds. This party, in some portions of the Union called "national republican," manifested a disposition to support Henry Clay, of Kentucky, as its candidate for the presidency. He was accordingly nominated by the legislatures of several states, and a national nominating convention was recommended to be held at Baltimore, on the 12th of December, 1831.

The opposition party which rallied under the name of "national republican," was composed principally of the friends of the late administration,

* American Annual Register.

and those who had opposed Mr. Adams, but were now dissatisfied with the course of General Jackson, excepting the friends of the vice-president, who formed a distinct section of the opposition.

Another party, at first merely local, had arisen previous to these events, was fast gathering strength, and had now so far extended itself as to assume consequence as a national party, and claimed the right of being consulted as to the candidates to be nominated for president and vice-president. This was called the anti-masonic party, and had its origin in the abduction and supposed murder of William Morgan, a citizen of western New York, which affair took place in 1826, in consequence of an alleged violation of his masonic obligations, and a disclosure, real or pretended, of the secrets of freemasonry. This caused the organization of a political party in the western part of the state of New York, which gradually extended into some of the adjoining states, upon the simple ground of hostility to masonry.

Having met with partial success in elections in several of the states, the anti-masons held a national convention at Philadelphia, in September, 1830, which was attended by delegates from eleven of the northern and middle states. After adopting various proceedings against masonry, they recommended a national convention to be held at Baltimore, in September, 1831, for the purpose of nominating candidates for president and vice-president of the United States.

The effect of the political organization of the anti-masons was to compel a more strict and intimate union among the adhering members of the fraternity, and to induce them to exercise a more direct influence in the politics of the country, in the hope of crushing a party whose avowed object was the annihilation of their order. In some parts of the country, where the leading national republicans showed a disposition to unite with the anti-masons, many of the most zealous masons forsook their political association with the former party, and, to oppose the anti-masonic party with efficiency, joined the ranks of the administration.

Thus the opposition to General Jackson seemed destined to be as much thwarted by their own divisions as by the discipline and concert prevailing in the party sustaining his administration. It was, indeed, believed that it would be practicable to concentrate the votes of the anti-masons and national republicans on one candidate for the presidency. Mr. Clay being a mason, his nomination by the anti-masons was out of the question. When the anti-masonic convention assembled at Baltimore, in September, 1831, it was expected that John M'Lean, of Ohio, formerly postmaster-general, and appointed by General Jackson a judge of the supreme court, would receive the nomination of that party for the presidency, with a view of uniting on him the different sections of the opposition. Certain masonic leaders of the national republicans having intimated a determination to withhold their support from a union so formed, Judge M'Lean, proba

bly for this, as well as other reasons, declined being considered a candidate. The anti-masonic convention, therefore, nominated William Wirt, of Maryland, formerly attorney-general of the United States, for president, and Amos Ellmaker, of Pennsylvania, for vice-president.

The national republicans, on their part, professed great confidence in the integrity and qualifications of Mr. Wirt, but insisted that they could not with honor sacrifice Mr. Clay to what they denominated an unreasonable prejudice, nor could they, consistently with their self-respect, give up the candidate of the great majority of the opposition, to quiet the scruples of the minority.

Shortly after his resignation as secretary of state, Mr. Van Buren received from the president the appointment of minister to England, and embarked for London in August, during the recess of the senate.

The twenty-second Congress commenced its first session on the 5th of December, 1831, and continued the same until the 16th of July, 1832. The elections had evinced a large majority of the members chosen to the house of representatives in favor of the administration, but the vote for speaker exhibited a considerable increase in the strength of the opposition, although divided. The candidate of the administration, Andrew Stevenson, was elected by 98 votes, against 97 for all other persons; thus receiving the exact number necessary to constitute a choice. In the senate, Samuel Smith resumed the chair as president *pro tempore*.

The appointments made during the recess were nominated to the senate early in December, and on the 10th of January the committee on foreign relations reported in favor of Martin Van Buren, minister to England, Aaron Vail, secretary of legation, and Louis M'Lane, secretary of the treasury. On the 13th of January the other nominations were confirmed, but that of Mr. Van Buren was laid on the table, by the casting vote of the vice-president. When this nomination came before the senate, it was warmly opposed on two distinct grounds. Four of the senators, who were friends of the vice-president, declared themselves opposed to its confirmation, on account of the agency of Mr. Van Buren in breaking up the late cabinet, and in the domestic politics of the country.

The other members who opposed his appointment, professed to be governed by higher considerations. They contended, that in his instructions to Mr. M'Lane, in relation to the West India trade, he had evinced a manifest disposition to establish a distinction between his country and his party; to make interest at a foreign court for that party, rather than for the country; to persuade the British government, that it was for its advantage to maintain in the United States the ascendency of that party; and that the whole tone of those instructions was derogatory to the dignity and independence of the United States.

The expressions in these instructions were regarded as placing the American government in a supplicating attitude before the British minis-

try; as asking favors of England for the course taken by the dominant party in opposing the pretensions of the United States in the late controversy; and as making a merit of that opposition in the eyes of a foreign government.

After a full discussion on this nomination, with closed doors, the senate finally, by the casting vote of the vice-president, resolved not to confirm the nomination, yeas 23, nays 23. Mr. Van Buren was accordingly rejected, and, soon after having presented his credentials, was compelled to return to the United States.

As this was the first time that a minister of the United States had been compelled to return from his post, on account of the refusal of the senate to concur in his appointment, great excitement was produced by this decision. The reasons assigned were subjected to severe criticism, and the rejection was by many imputed to party feeling and personal jealousy.

The friends of the president were urged to sustain him against an attack, which it was said was aimed at him. He was induced to come before the public, and avow himself to be the author of the objectionable instructions; and his party was persuaded to bring forward Mr. Van Buren as a candidate for the vice-presidency, as the only means of vindicating the honor of the president from a censure which, by his own confession, ought to have been bestowed upon him. It was also urged, that if the senate had been sincere in asserting that the character of those instructions was a disqualification for a diplomatic office, Mr. M'Lane would have shared the same fate with Mr. Van Buren. If the instructing a minister to invite a foreign government to interfere in the domestic politics of the United States, furnished a sufficient reason why the author should not represent the republic abroad, surely the execution of those instructions ought to have excluded that minister from the cabinet councils, where measures to vindicate the honor and advance the interests of the country are originated.

In the contest that ensued, consequently, the opposition lost the advantage of the principle upon which it had rested, the recall of Mr. Van Buren, and left the public to infer that other motives had contributed to swell the vote against his appointment.*

Among the most urgent subjects of consideration at the present session of Congress, was the apportionment of representation according to the census of 1830. By that census, the southern and eastern states had lost a portion of their relative weight, and the western states had acquired a greater preponderance than before. With the view of giving each state the power intended by the constitution, at the next presidential election, steps were taken to bring this subject at an early day before the consideration of the house, and on the fourth of January, Mr. Polk, from a select committee, reported a bill fixing the ratio of representation under the fifth

* American Annual Register.

census of the United States. By that report the ratio was fixed at one representative for forty-eight thousand inhabitants, according to the federal enumeration, which would increase the number of members to 237. This ratio was at first adopted by the house, after a long debate, but afterward stricken out, and the number fixed at forty-seven thousand seven hundred, in which form the bill finally passed, and became a law in May, 1832. The senate amended the bill, and sent it back to the house, but the house disagreed to the amendment, and the senate receded therefrom. By the census of 1790, the ratio fixed on was thirty-three thousand; by that of 1800 the same ratio was continued; in 1810 it was fixed at thirty-five thousand; in 1820, forty thousand; and by the census of 1830, forty-seven thousand seven hundred.

Many subjects of great interest came under the consideration of Congress at this session; and among them none excited more of the public attention than that of the renewal of the charter of the bank of the United States. That institution was incorporated, as we have stated, in 1816, during Mr. Madison's administration, by a democratic Congress, for the term of twenty years; of course, the charter would expire in 1836. In the first message of General Jackson to Congress, namely, in 1829, he expressed an opinion against the constitutionality and expediency of the bank, and an assertion that it had failed in the great end of establishing a uniform and sound currency. As no intimation had been been given of an intention to apply for a renewal of the charter, and as no specific abuses were pointed out deserving examination, this intimation was regarded as an indication of a strong hostility against that institution, on the part of the president, originating in causes not open to the public eye. The message had the effect of diminishing the value of the stock six per cent. lower than before the opening of Congress. The subject, however, was referred to the committees on finance, and reports adverse to the president's views having been brought in, the stock recovered itself, and finally attained a higher rate than the original price.

The attack was renewed in the next annual message, in 1830; and Congress was recommended to inquire into the expediency of renewing the charter of the existing bank, with the view of substituting in its place a bank based on the public deposites, but without the power of making loans, or purchasing property. This recommendation met with no better reception than that contained in the previous message. No steps were taken by either house upon the subject, at that session. The bank made no application to Congress, and when Mr. Benton asked for leave to introduce a resolution in the senate adverse to the renewal of the charter, that body refused permission by a vote of 23 nays to 20 ayes. The stock maintained its price in market, and in the message of the president at the opening of the twenty-second Congress, in December, 1831, his objections to the bank were expressed for the third time.

The directors and stockholders of the bank now deemed it proper to submit the claims of the institution for an extension of its charter to Congress. A memorial to this effect was therefore presented, on the part of the bank of the United States, and no sooner was this determined upon, than the friends of the president began to express their dissatisfaction at being forced to act upon the subject at this time. It was too early, they said, notwithstanding the president had not deemed it too early for Congress to act upon the matter two years before; and they sought to postpone the consideration of the question. This course was too inconsistent to succeed, and the memorial having been presented in the senate, on the 9th of January, by Mr. Dallas, an administration senator from Pennsylvania, it was referred to a select committee for consideration. On the 13th of March this committee reported in favor of renewing the charter for fifteen years, wiih certain modifications. A bill accompanied this report, which was ordered to a second reading, and then laid upon the table of the senate, until after the report of the committee appointed by the house of representatives to inquire into the affairs of the bank.

It was in that body that the main battle concerning the bank was to be fought. The memorial of the bank was presented by Mr. M'Duffie, of South Carolina, and referred to the committee of ways and means, by whom, on the 10th of February, a report was made in favor of the renewal of the charter. A motion was then made by the opponents of the bank for a committee of inquiry into the affairs of the bank. Two reports were made by this committee: one from the majority, adverse to the bank, and another from the minority, favorable to the institution.

On the 22d of May, the bill for a renewal of the charter was taken up in the senate, and after a long discussion and undergoing various amendments, the bill finally passed the senate, on the 11th of June, by a vote of yeas 28, noes 20. When it came into the house, strenuous exertions were made to postpone its consideration, but it was made the special order of the day for the 18th of June. The house being then engaged on the tariff, it was not taken up until the 30th of June, and it finally passed that body on the 3d of July, by 107 yeas, to 85 nays; and an amendment proposed by Mr. M'Duffie, being concurred in by the senate, the bill was sent to the president for his decision. It was by many apprehended that he would resort to the mode previously adopted by him, and that he would retain it until after the adjournment of Congress. To prevent this, the senate declined acting on the resolution of adjournment until the bill had been sent to him for concurrence, and then the 16th of July was inserted, so as to leave him full ten days, exclusive of Sundays, by which he was compelled to return the bill to Congress, or to permit it to become a law.

On the 10th of July, the next day after the senate had fixed the time of

adjournment, the president sent a message to that body, stating his reasons for refusing his signature to the bill.

This veto-message having been read, Mr. Webster moved that the senate should proceed to reconsider the bill the next day. At the appointed hour, the bill being again brought under the consideration of the senate, Mr. Webster reviewed the reasons and arguments of the executive at length, to which Mr. White, of Tennessee, replied; and the discussion was continued until the 13th of July, when the question being taken on the passage of the bill, notwithstanding the objections of the president, the senate divided—yeas 22, nays 19; and the bill, not having received two thirds of the votes, was of course rejected.

The president's bank-veto message was circulated extensively throughout the Union, and proved a popular document in his favor in its effects on the public mind, wherever the bank was but little known, or in ill favor. Many of the political friends of the president, however, as well among the people, as in Congress, differed in opinion from him on the subject of the bank. In the state of Pennsylvania, where the bank was located, and where the institution was popular, the president's course was severely censured, and the strength of the administration so much diminished, as at one period to make its success doubtful. At a very large meeting of citizens of Philadelphia, composed of his former political friends, in July, 1832, soon after the veto of the president, resolutions were adopted disapproving of his course with regard to the bank and other public measures, and deprecating his re-election to the presidency as a national calamity, which they pledge themselves "to use all lawful and honorable means to avert, by opposing the re-election of Andrew Jackson."

The subject of the public lands was another matter of importance which was agitated. The investigations which were ordered preliminary to modifying the tariff, afforded an occasion to urge an inquiry into the expediency of reducing the price of the public lands, as connected with the revenue. On the 22d of March, 1832, Mr. Bibb, of Kentucky, an administration senator, moved a resolution to that effect, and the committee on manufactures in the senate was directed to make the inquiry.

The course of the senate, in referring an inquiry on the subject of the public lands to that committee was considered singular and unusual, and it was charged by the opposition that the object was to embarrass Mr. Clay, of Kentucky, who was chairman of the committee of manufactures, and was also one of the opposition candidates for president of the United States. The public lands possessed by the United States, situated in the western states and territories, had been acquired by cessions to the general government from the original Atlantic states; by the purchase of Louisiana and Florida; and by treaties of purchase with the Indians. The principal inducement to their cession by the states to the Union, was, to aid in the payment of the debt incurred by the war of the revolution, for which they

were at first pledged. In view of the ultimate payment of that debt, President Jefferson had, in 1806, suggested the appropriation of the proceeds of the sales of the lands to works of internal improvement, and to the support of education.

The inquiries which the committee on manufactures were directed by the senate to make and report upon were—1. The expediency of reducing the price of the public lands; and, 2. On the expediency of transferring the public territory to the states within which it lies, upon reasonable terms. On the 16th of April, Mr. Clay made a report against the expediency of both these propositions. This report vindicates the wisdom of the policy heretofore adopted by the government; but inasmuch as the revenue derived from imposts was deemed adequate to the public expendi tures, and as some dissatisfaction prevailed in the new states at the exemption of the lands belonging to the United States from taxation, until five years after they had been sold, it recommends that, besides the five per cent. hitherto reserved from the proceeds of the public lands for making internal improvements, ten per cent. in addition should be reserved for internal improvements within the limits of the respective states.

The residue of the proceeds a majority of the committee recommended to be divided among all the states, in proportion to their representation in Congress, to be applied, under the direction and at the discretion of the state governments, to education, internal improvement, colonization, or to the payment of any debt already contracted for internal improvement.

In order to test the propriety of this modification of the existing system by experience, the act accompanying the report was limited to five years; and in case the United States should within that time become involved in war with a foreign power, the appropriation was to cease immediately. The bill passed the senate, after considerable debate, near the close of the session, by a vote of 26 to 18, and was sent to the house for concurrence, where the further consideration of the subject was postponed until the next session of Congress.

The subject of internal improvement was discussed at length during this session. The members from the south, and the supporters of the administration from the eastern states and from New York, were decidedly opposed to appropriations of this character; and a systematic effort was generally made by them to defeat the bill introduced making appropriations for that object, including the improvement of certain rivers and harbors, the Cumberland and other roads, surveys, &c. The bill finally passed both houses, and having received the sanction of the president, became a law. By the act, as amended in its passage, various appropriations were made for works not enumerated: it having been extended by these amendments to an amount exceeding one million two hundred thousand dollars, and altogether beyond its original scope—adding thus an additional sanction to the policy of internal improvement.

The other appropriations for internal improvement were contained in a bill for the improvement of certain harbors and rivers, which was not taken up in the house until the 25th of May. Certain amendments were then made; and on the 1st of June, a motion by Mr. Polk, of Tennessee, to strike out the enacting clause, was lost—yeas 72, nays 101—and the bill finally passed, 95 to 67. In the senate, it was taken up on the 3d of July, and in the course of the discussion which ensued, Mr. Clay "expressed his extreme surprise that the president, after putting his veto on the appropriations for works of such public utility as the Maysville and Rockville roads, should have sanctioned the internal improvement bill in which appropriations were made to a very large amount, and which differed in principle not one particle from the one he had rejected. What had been the course of the present administration? They first held appropriations for certain objects of internal improvement to be unconstitutional, and then sanctioned appropriations for other objects depending entirely on the same principles with those held to be unconstitutional; and the result has been to open an entire new field of internal improvement. Favorite objects had been considered constitutional, while objects in states not so much cherished, had been held to be local." Mr. Miller, of South Carolina, said: "We have just heard that the president has signed the internal improvement bill, containing appropriations for the most limited and local purposes. I hope we shall never again be referred to the veto of the Maysville and Rockville roads, as a security against this system. The senate and house of representatives, and the president, all concur in this power."

The harbor bill, as it was called, passed the senate, and was sent to the president for his approbation, on the 13th of July, three days before the close of the session. This bill which did not differ in principle from the internal improvement bill which he had signed, the president resolved not to sanction, but retained the bill until after the adjournment of Congress, and thus prevented it from becoming a law.

The same course was adopted by the president, in relation to a bill providing for the repayment to the respective states of all interest actually paid, for moneys borrowed by them on account of the federal government, and expended in the service of the United States. This bill was passed by both houses at this session, but when it came into the hands of the president, it was doomed to the fate of the harbor bill, and was negatived in this novel and indirect manner, to which the opposition gave the name of "a pocket veto."

The president having, in his annual message, recommended a modification of the tariff of duties on imports, the subject was referred to the committee on manufactures, which, as well as the committee of ways and means, had been selected by the speaker (who was hostile to the protective system) with a view to a reduction of the tariff. Mr. John Quincy

Adams was placed at the head of the committee on manufactures, which, on the 23d of May, reported a new tariff bill. Mr. M'Duffie, chairman of the committee of ways and means, had, at an earlier period of the session, namely, on the 8th of February, reported a bill intended to meet the ultra opponents of the protective system, and the report which accompanied it denounced the tariff system as imposing a tax upon the south for the benefit of the north. The secretary of the treasury, Mr. M'Lane, on the 27th of April, also transmitted to Congress, in compliance with a resolution of the house, a bill for a reduction of the tariff, with a report giving his views on this topic.

Before the report of the secretary was printed, Mr. M'Duffie brought on the discussion of the bill reported by him. On the 1st of June a motion was made to strike out the first section, which was carried—81 yeas to 41 nays.

Mr. Adams's bill was then taken up, and after a long and animated discussion, it passed the house, with few amendments, by 132 yeas to 65 nays, many of the opponents of protection voting in the affirmative. The bill finally passed the senate on the 9th of July, yeas 32, nays 16, and receiving the sanction of the president, became a law.

This act provided for a great reduction of the revenue, and for no small diminution of the duties on the protected articles of domestic manufacture, but it was a direct admission of the principle of protection, and it was so regarded by all parties. It was, however, a great concession on the part of the friends of the protective system, to the advocates of "free trade," and as such, a general expectation prevailed that it would be received by the dominant party in South Carolina, and that a temporary calm at least would succeed the agitation upon this exciting topic.

Different views, it appeared, were entertained by the leaders of that party, and the very day after the passage of this act, the representatives of South Carolina, who thought nullification the rightful remedy, met at Washington, and published an address to the people of South Carolina on the subject of the tariff. In that address they assert, that in the act just passed the duties upon the protected articles were augmented, while the diminution was made only in the duties upon the unprotected articles; that in this manner the burden of supporting the government was thrown exclusively on the southern states, and the other states gained more than they lost by the operations of the revenue system.*

The address concludes thus: "They will not pretend to suggest the appropriate remedy, but after expressing their solemn and deliberate conviction that the protecting system must now be regarded as the settled policy of the country, and that all hope of relief from Congress is irrecoverably gone, they leave it with you, the sovereign power of the state, to determine whether the rights and liberties which you received as a precious

* American Annual Register.

inheritance from an illustrious ancestry, shall be tamely surrendered without a struggle, or transmitted undiminished to your posterity."

Meetings were accordingly held in South Carolina, denouncing the tariff, which had just received the sanction of Congress, and pledging the persons attending to support the state government in any measures it might adopt to resist it. Strong efforts were made to excite the people of the state against the general government, and notwithstanding the exertions of a respectable portion of the community, who remained faithful to the Union, they succeeded in obtaining a majority in both houses of the legislature.

As soon as this was ascertained, Governor Hamilton convened the legislature, which met at Columbia, on the 22d of October, 1832. Immediately upon its assembling, the tariff question was taken up, and a bill was reported authorizing a convention to meet at Columbia on the 19th of next month. This bill finally passed on the 25th of October, in the senate, 31 to 13, and in the house, 96 to 25.

The state convention met at the time appointed, and the governor was elected president of that body. The annual meeting of Congress was at hand, and if any impression was to be made upon that body, it could only be done by prompt and decisive movements. Upon the people of the United States generally no impression could be made. A general sentiment pervaded the Union, that it was better to appeal to the power of the government to enforce the laws, than longer to encourage a spirit of insubordination by yielding to demands which, originating in a feeling of arrogance, were rendered more unreasonable by concession. Still, however, all hasty movements were deprecated, and so long as the nullifiers confined themselves to discussions and resolves, any interference on the part of the general government would have been deemed improper. Nothing but actual resistance to the laws of the United States could justify such interposition. The time of forbearance, however, was now rapidly passing away.

The committee of the convention, to whom was intrusted the duty of reporting what steps should be taken, recommended the passage of an ordinance, which declared all the acts of Congress imposing duties on imported goods, and more especially the laws of May 19, 1828, and July 14, 1832, to be null and void within the state of South Carolina. It further provided, that no appeal should be permitted to the supreme court of the United States in any question concerning the validity of the ordinance, or of the laws passed to give effect thereto. It also prohibited the authorities of the state, or of the United States, from enforcing the payment of duties within the state, from and after the 1st of February, 1833. There were various other provisions in this ordinance, which concluded with a declaration that any attempt on the part of the general government to reduce the state to obedience, or to enforce the revenue laws, otherwise than through the civil tribunals, would be deemed

inconsistent with the longer continuance of South Carolina in the Union, and that the people of the state would forthwith proceed to organize a separate and independent government. By this ordinance, the Rubicon was passed, and the state government forthwith proceeded to take the necessary steps to carry it into effect.

The legislature, which met directly after the adjournment of the convention, on the 27th of November, 1832, passed the laws required by the ordinance. These related principally to the nullification of the revenue laws of the United States, by prohibiting their enforcement within the state. An additional act was passed, authorizing the governor to call the militia into service to resist any attempt on the part of the government of the United States to enforce the revenue laws; and to render the resistance of the state effectual, he was empowered to call out the whole military force of the state, and to accept of the services of volunteers for the same purpose. Ten thousand stand of small arms, and the requisite quantity of military munitions, were ordered to be purchased, and any acts done in pursuance of that law, were to be held lawful in the state courts

These proceedings by the party that had obtained possession of the state government, brought on an issue between the state and federal governments, that could no longer be neglected. The very existence of the government depended upon its decision. South Carolina had set at defiance the authority of the general government, and declared that no umpire should be admitted to decide between the contending parties.

It had, in its capacity as a sovereign state, decided the question for itself, and its decision could be reversed only by superior force. In taking this stand, the nullifiers apparently had not perceived, that, although their principles were precisely those which Georgia had carried into effect in her affairs with the Indians, the subject-matter more directly affected the existence of the government. Five sixths of the revenue were derived from the customs, and the abolition of the duties in one state, would necessarily destroy the revenue system, and of course suspend the operations of the federal government. While the nullification of Georgia only tended to bring the federal government into contempt, and weakened the bonds of the Union, that of South Carolina at once severed those bonds, and arrested the action of the government.

At such a crisis, the president felt that there was no room for hesitation. The difficulty must be met, not only to save the Union from being broken up, but to protect those citizens of South Carolina who still adhered to its standard, from the horrors of civil discord. The president determined to come at once to an issue with the nullifiers; to place the powers of the government upon the broad ground, that the federal judiciary was the only proper tribunal to decide upon the constitutionality of its laws; and to enforce the revenue acts with an entire disregard to the pretended rights of sovereignty which were assumed by the state of South Carolina.

With that view, all the disposable military force was ordered to assemble at Charleston, and a sloop-of-war was sent to that port to protect the federal officers, in case of necessity, in the execution of their duty. On the 10th of December, the eloquent and energetic proclamation of the president was issued, plainly and forcibly stating the nature of the American government, and the supremacy of the federal authorities in all matters intrusted to their care, and exhorting the citizens of South Carolina not to persist in a course which must bring upon their state the force of the confederacy, and expose the Union to the hazard of dissolution.*

In noticing the events of this momentous period, we must return to the doings of the twenty-second Congress at their first session. In addition to the acts already mentioned, laws were passed for the adjustment of the claims of South Carolina against the United States; to provide the means of extending the benefits of vaccination to the Indian tribes; a new patent law for the encouragement of useful inventions, by which the rights and privileges of patentees were greatly improved and extended. An additional pension law was passed, by which provision was made for all those who had served in the war of the revolution six months; and thus a great number of persons in the decline of life, and most of them in reduced circumstances, received the bounty of the government, who could not avail themselves of the former laws granting pensions.

Some difficulties occurred with the Indian tribes on the northwestern frontier of the United States during the year 1832. A treaty had been made in 1830 with the Sacs and Foxes, by which they agreed to cede their lands to the United States, and to remove beyond the Mississippi. As they did not promptly comply with the treaty, and one band, under a noted chief named Black Hawk, evinced a determination to maintain possession of their old village, John Reynolds, governor of Illinois, chose to construe their continued residence in the ceded territory as an invasion of the state; and, under his authority to protect the state from invasion, he ordered out seven hundred militia to remove the Indians beyond the Mississippi, according to the treaty.

This interference with the peculiar duties of the federal government compelled the officer commanding the United States troops in that quarter to co-operate with him, in order to prevent a collision between the state militia and the Indians. Overawed by the imposing force brought against them, they yielded to necessity, and crossed the Mississippi; but gathering strength on the western bank of the river, and exasperated at the harsh treatment they had received, Black Hawk and his party resolved on commencing a predatory war on the frontier settlements. In the month of March, 1832, Black Hawk assembled a band of Sacs and Foxes, which, united with the Winnebagoes, under the control of their prophet, were about one thousand in number, and crossed the Mississippi in a hostile

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manner. They afterward annoyed the people in the mining district of Wisconsin, and murdered a number of defenceless families. The alarm became general on the frontier, and many settlers fled from their farms. The militia were called out, and, joined with about four hundred United States regular troops under the command of General Atkinson, pursued the Indians; and after a campaign of about two months, during which two engagements were fought, and the Indians lost over two hundred men killed, the war was brought to an end. Black Hawk was taken prisoner by a party of friendly Indians, and he, with the prophet and other leaders, was taken by order of the government through the principal cities and towns on the seaboard, to show them the power of the United States, after which they gave no further trouble. Treaties were made with the offending tribes, by which they agreed to compensate for the expense of the war by a cession of a valuable part of their territory, and to immediately remove to the west bank of the Mississippi. The United States stipulated to pay thirty thousand dollars annually to the three tribes for twenty-seven years and other provisions were made for their improvement and civilization.

While these troubles occurred on the northwestern frontier, the inhabitants of Maine, on the northeastern border of the United States, were excited by an unpleasant collision arising out of the award of the king of the Netherlands concerning the boundary line between the United States and the British provinces. In conformity with the treaty of Ghent, the disputed boundary between the territory of the United States and that of Great Britain, on the northeastern frontier, was in 1829 submitted to the arbitration of the king of the Netherlands, who, in January, 1831, gave his decision. In this award, however, the king did not undertake to decide the question submitted to him, but recommended a new boundary not contemplated by either party. Against this decision the American minister at the Hague immediately protested, as being beyond the authority of the arbiter: he having decided upon questions not submitted to him, and left undecided the questions in dispute. The British government, having gained the principal object for which it contended, namely, an uninterrupted communication between its provinces, signified its willingness to carry the award into effect.

The state of Maine, on its part, protested against the award as invalid, and denied the authority of the federal government to cede any portion of the territory of a state, by treaty or convention. In this unsettled state the controversy remained; when in September, 1831, the inhabitants of Madawaska, on the disputed territory, in conformity with a law of the state of Maine, passed at the last session of the legislature, met and elected a representative to the general assembly of that state. Upon hearing this, the British provincial authorities sent a military force and arrested three persons who had taken part in the town meeting, and carried them to the province jail for trial. Here they were tried, and sentenced to

three months' imprisonment. This act excited great indignation among the people of Maine. The governor and council took measures to protect the territory from invasion ; and a remonstrance against the provincial proceedings being made by the secretary of state to the British minister at Washington, the release of the prisoners was obtained.

In this state of things a negotiation was commenced by the administration of the general government with the state of Maine, with the view of obtaining its consent to the cession of the territory in dispute ; and William P. Preble was appointed an agent on the part of the state, to arrange the terms upon which Maine would consent to the execution of the treaty. After some negotiation, Mr. Preble addressed a letter to the governor of Maine, advising the state to cede to the United States her claim to the territory beyond the boundary line recommended by the arbiter, for an ample indemnity. The motive to this advice was not communicated to the public, nor was any information given as to what indemnity was expected ; but a confidential message was transmitted by Governor Smith to the legislature, informing that body of the advice of his agent, and stating his belief that an adequate compensation would be made by the United States for the loss of territory. As this belief was founded upon a secret arrangement between the agent and the United States government, the terms were not communicated to the legislature ; but enough was stated to leading members of the administration party, who were in the majority in both branches of that body, to secure the passage of resolutions in favor of a treaty between the state and the United States, in relation to the cession. This treaty, however, was not to be binding upon the state, until it had been formally ratified by the legislature ; and the resolutions were directed to be sent to the governor of Massachusetts, in order that measures might be taken by that state for the protection of her interests in the ceded territory, the soil being equally claimed by the two states.

The course of the government of Maine, in refusing to furnish copies of the correspondence of the agent with the governor, in relation to the disputed territory, on the ground that most of the same was private and confidential, was not well calculated to insure the confidence of her sister state, and nothing was done by Massachusetts to sanction an arrangement, the terms of which they were not permitted to know.

When the subject was submitted to the senate of the United States, with the accompanying documents, that body, in January, 1832, after discussing and rejecting several propositions, by a vote of 23 to 22, advised the president to open a new negotiation for the adjustment of the boundary.*

The operation of the commercial arrangement with Great Britain, mentioned in the preceding pages, made by the administration soon after coming into power, respecting the intercourse between the United States and

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the British West Indies, proved less favorable to American interests than had been anticipated by its advocates. The result was, that while the interests of the navigation and colonies of England were secured, and the British government reserved the right to impose discriminating duties, with the view of encouraging importations through the northern colonies, the president, in the exercise of a power conferred upon him by Congress, repealed the laws which were imposed to counteract the partial commercial regulations of England; and the navigation of the United States was exposed without protection, to a competition with British vessels, which were favored by heavy discriminating duties. This competition was upon too unfavorable a footing to continue, and the American shipping was soon almost totally excluded from a trade which this very arrangement was intended to secure.

With the exception of the disadvantages to the United States, attending the above arrangement, the foreign relations of the country were conducted with ability as well as energy, by the administration of General Jackson. In the course of the year 1831, treaties were concluded and ratified with the republic of Mexico—one relating to the boundaries between the two countries, and the other to commerce and navigation. Mr. Rives, our minister to France, also concluded a treaty between the United States and the king of the French, which was signed at Paris in July, 1831, on the subject of claims for depredations committed on American commerce, under the government of the directory, the first consul, and the emperor. Negotiations for this purpose had been long continued, by various ministers from the United States, but no satisfactory terms had been definitely settled. The French government had set up an opposing claim, on account of the non-fulfilment of a treaty made in 1778, between the United States and the king of France, for the assistance of the former to defend the West India islands of the latter, if attacked by the British. The American government contended that they were exonerated of all such demands by France, by subsequent events. The change in the French government, by the revolution of 1830, enabled Mr. Rives to bring the long-pending negotiations to a close. By this treaty the French government agreed to pay to the United States, in complete satisfaction of all claims of American citizens for depredations on their commerce, twenty-five millions of francs, or nearly five millions of dollars, in six equal annual instalments. One and a half million of francs were to be allowed by the American government to France, or French citizens, for ancient supplies, accounts, or other claims. An additional article was inserted, by which the United States engaged to reduce the duties on French wines for ten years, in consideration of which stipulation France agreed to reduce the duties on the long staple cotton of the United States to the same rate as on short staple cotton, and to abandon all claims for indemnity under the Louisiana treaty. The sum thus stipulated to be paid by France, did not amount to

more than one third of the just claims of the citizens of the United States, but their liquidation, even upon terms comparatively unfavorable, was so desirable, that the conclusion of this treaty was hailed with universal satisfaction by all parties. After deliberate consideration, it was sanctioned by the senate; but the French chamber of deputies refused to make the appropriation to carry the treaty into effect, and the delay furnished occasion for an unpleasant dispute between the two countries, which was not terminated until the final settlement of the affair, in 1836.

A treaty of commerce and navigation was also negotiated at Washington, in August, 1829, between the United States and the emperor of Austria, Mr. Van Buren, secretary of state, acting on the part of the United States, and Baron de Lederer on the part of Austria. This treaty was ratified and concluded in February, 1831. The treaty with the Ottoman Porte (Turkey), already referred to, negotiated in 1830, was ratified by the president and senate in February, 1831, and articles exchanged at Constantinople in October, 1831, between Commodore David Porter, chargé d'affaires of the United States, and the Reis Effendi of the Porte. A convention between the United States and Naples, or the kingdom of the Two Sicilies, was negotiated at Naples in October, 1832, by Mr. John Nelson, chargé d'affaires on the part of the United States, and the secretary of state, prince of Cassaro, on the part of the king of Naples, by which the amount of $1,720,000 was stipulated to be paid to the United States as an indemnity for claims of our citizens for depredations on American commerce by Murat, while king of Naples, from 1809 to 1812. These claims had been considered almost hopeless; but the appearance of a considerable American naval force in the harbor of Naples, doubtless expedited the settlement.

Thus the administration of General Jackson had been eminently successful in the management of our foreign affairs, and the negotiation of numerous treaties contributed largely to sustain the popularity of the president, tending also to insure his re-election. Nor was the nation less prosperous at home than the government fortunate abroad. Abundant harvests rewarded the labor of the farmer, and imparted activity to commerce; while the rapid extension of the manufacturing interest gave employment to thousands, whose industry would have been unprofitably devoted to agriculture, and furnished a home market for the productions of the soil. The domestic policy pursued by the two preceding administrations was now beginning to produce the effects anticipated; while the prosperity of the country at the close of President Jackson's first term, it was insisted by his supporters, was owing to the policy of his administration.

The tone of the government toward foreign nations during General Jackson's administration was moderate but firm, and the honor and interest of the country were maintained in a manner indicative both of spirit and ability. Among other questions that arose during the year 1831 was

one relating to the Falkland islands, which have been often the fruitful source of controversy between civilized nations, and now produced a collision between the United States and Buenos Ayres.

These islands had been leased by the government of Buenos Ayres, to a foreigner named Don Louis Vernet, who undertook to compel sealing vessels to take out licenses to take seals under his authority. Having captured three American vessels, and committed other outrages, when the news arrived in the United States, the president, always prompt to act in vindication of the rights of the nation against foreign aggression, despatched a competent force to protect our sealers in the neighborhood of Cape Horn. Captain Duncan, in the ship-of-war Lexington, had charge of the expedition. On his arrival at the Falkland islands, in December, 1831, he broke up the establishment of Vernet, restored the captured property to the owners, and transported seven of the most prominent actors to Buenos Ayres for trial. The Buenos Ayrean government affected great indignation at the manner in which the settlement had been treated, as it was under the protection of their flag, but they did not think proper to pursue the affair any further.

Chastisement equally prompt was inflicted on the Malays of Quallah Battoo, for a piratical attack on the ship Friendship, of Salem, part of the crew of which vessel they massacred, and it was deemed necessary to punish the offenders in a summary manner. Captain Downes, in the frigate Potomac, was therefore ordered to proceed to Sumatra for the purpose, and arrived at that island in February, 1832. The Malay forts, five in number, were stormed, and after a short resistance by the Malays, of whom between 80 and 100 were killed, and a large number wounded; the town was fired, and the forts destroyed. The contest lasted nearly three hours, and the American loss was 3 killed and 10 wounded.

This chastisement left a salutary impression on the minds of these piratical tribes, and the neighboring rajahs sent deputations to Captain Downes, assuring him of their friendly disposition toward the United States, and expressing their desire to obtain the friendship of the Americans.

The first presidential term of General Jackson was now drawing to a close, and parties arrayed themselves for the approaching election. We have already mentioned the meeting of the anti-masonic convention, in September, 1831, which nominated as candidate for president, William Wirt, and for vice-president, Amos Ellmaker. The national republican convention met at Baltimore in December, 1831, and nominated Henry Clay, of Kentucky, for president, and John Sergeant, of Pennsylvania, for vice-president. In May, 1832, a numerous convention of delegates of the administration party met also at Baltimore, for the purpose of nominating a candidate for vice-president, to be placed on the ticket with General Jackson, to whose nomination for re-election no dissent was manifested in

the administration ranks. Martin Van Buren, of New York, was, with great unanimity, nominated for vice-president. The friends of the president insisted that he was personally dishonored by the rejection of Mr. Van Buren as minister to England; and that it was incumbent on his supporters to convince the world that he had not lost the confidence of his countrymen, by electing Mr. Van Buren to preside over the body which had declared that he was unworthy to represent the country at the British court.

This mode of reasoning prevailed, and, notwithstanding the objections of a few delegates from states where Mr. Van Buren was unpopular, he received the nomination of the administration party, for vice-president.

The friends of Mr. Calhoun were entirely alienated from the administration by this nomination, and, although the ultra state-rights and nullifying doctrines espoused by his adherents prevented them from joining the opposition in their support of Mr. Clay, it was soon understood that the president had lost their confidence, and would not receive their suffrages. The character of the contest, however, effectually precluded them from openly lending their aid to overthrow the administration. It was a contest in relation to the powers of the federal government, although, from the cautious and ambiguous manner in which the opinions of the executive were promulgated, the true nature of the question at issue was not fully understood by the people in certain portions of the Union. Even where it was so understood, no deep universal conviction prevailed that the result of this election would be decisive as to the power of the federal government. Many hoped, from the strong personal enmity manifested toward Mr. Calhoun, that the president would finally be brought to oppose doctrines, of which that gentleman was now considered the chief advocate; and the experience of a few years had furnished ample proof, that he would not be deterred from taking that step by any apprehension of a charge of inconsistency. The further development of the views of the dominant party, in South Carolina too, now began to excite great fears of a premeditated design to dissolve the Union; and it was supposed, that while on one hand the inclination toward anti-federal doctrines previously shown by the president, would prevent the disaffection from extending itself to the other southern states; on the other, that the energetic manner in which he executed his decisions would completely put down the dangerous heresy of nullification, and in the end strengthen the general government.

The apprehension that the re-election of General Jackson would tend to unsettle the government, consequently did not operate upon the mass of the voters to the same extent as upon the leaders of the opposition.

They were governed by the more obvious considerations growing out of the pressing question of nullification on the part of South Carolina; and as he had declared himself opposed to the pretensions of that state, the distant dangers to be apprehended from the effect of the principles advocated

by the president in the Georgia controversy were by many disregarded Even among the mass of those who professed to be governed by a desire to preserve the constitution from destruction, there was a want of that untiring energy and self-devotion which flow from a deep conviction of the importance of a cause. An unwillingness to postpone plans of personal advancement, or to sacrifice individual prejudices and private views to the good of the cause, too much characterized the opposition to the administration. Its members, professing great independence of character, were too apt to forget, that when combined effort is required, individual will must give way, and the plans of the party were constantly thwarted by the refusal of its members to unite upon a single candidate.*

The anti-masons professed an equal dislike with the national republicans to the principles and policy of the administration, and both parties declared themselves ready to combine to defeat the election of General Jackson. Neither, however, were willing to yield to what they called the dictation of the other.

Anti-masonic electoral tickets were formed in the states of Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. The national republicans adopted the anti-masonic tickets in New York and Pennsylvania, but in the other states named, and the remaining states of the Union, with the exception of three or four southern states, tickets were nominated favorable to Mr. Clay for the presidency. In Ohio the anti-masonic ticket for electors first nominated was withdrawn, and the contest in that state was between Jackson and Clay.

While the two divisions of the opposition were prevented from coalescing, by what they regarded as insuperable obstacles, excepting the imperfect union effected in the three states named, the friends of the administration united in its support with a zeal and earnestness which both deserved and insured success. Local divisions were done away; personal difficulties adjusted, and private quarrels forgotten, in the general desire to promote the triumph of the party. The people at large, witnessing on one side so much party devotion, and on the other so much of the opposite quality, were led to regard the cause of the administration with more favor than it would have obtained upon a mere view of its principles and policy.

Although the elections for state officers in some of the states, in the autumn of 1832, were either favorable to the opposition, or, from the small majorities given in favor of the administration, they indicated a close contest at the approaching presidential election, the result of the latter was a complete triumph of the electoral tickets pledged to Jackson and Van Buren.

The great military services of General Jackson had gained for him general popularity, and many who did not altogether approve of his meas-

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ures, attributed his errors to mistaken views. His honesty of purpose was questioned by comparatively few, and all admired the boldness and firmness with which he pursued those measures that had been adopted and avowed as the policy of his administration.

He was styled, too, the representative of the democratic party, and the people were constantly assured that his sole object was to deprive the federal government only of those powers which it had usurped, and to bring it within the limits prescribed by the constitution.*

In the electoral colleges the votes for president stood as follows: Andrew Jackson 219, Henry Clay 49, John Floyd 11, William Wirt 7. For vice-president—Martin Van Buren 189, John Sergeant 49, William Wilkins 30, Henry Lee 11, Amos Ellmaker 7. The votes for John Floyd and Henry Lee were given by the state of South Carolina. Pennsylvania refused to vote for Mr. Van Buren; therefore Mr. Wilkins, one of the United States senators from that state, received the vote of the electors for vice-president.

Comparing this election with that of 1828, it will be observed, that General Jackson gained the votes of Maine (except one vote), New Hampshire, New Jersey, and part of New York, which were then given to Mr. Adams, while he now lost the votes of Kentucky and South Carolina, which he had received in 1828. The majority in the electoral colleges was not, however, a fair test of the measure of approbation bestowed upon his administration. Many of the states were carried by small majorities, and although the electoral votes were more than three to one in his favor, the aggregate popular vote cast for him was less than he obtained in 1828. In several of the states the proportion of the people who declined voting at the election of 1832, was sufficient to have changed the result, and the probability was strong, that if the opposition had been united on Judge M'Lean, he would have been elected.

The large majority received by General Jackson in the electoral colleges, however, was by him, and his supporters generally, construed into an unqualified approval by his countrymen of all his measures. Upon all points where his course had been questioned by his opponents, his re-election was urged as the final decision of the people, from which there was no appeal.

The second session of the twenty-second Congress commenced on the 4th of December, 1832, and continued until the expiration of their term, on the 3d of March, 1833. The president *pro tem.* of the senate, Mr. Tazewell, having resigned, the Hon. Hugh L. White, of Tennessee, was elected in his place. On the 28th of December, the vice-president of the United States, Hon. John C. Calhoun, resigned that office, and was elected a sen ator from South Carolina, in place of Mr. Hayne, who had been chosen governor of the state.

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The secretary of the treasury, Mr. M'Lane, in his report to Congress, urged upon that body a reduction of duty to the revenue standard, and declared that "there was not the same necessity for high protecting duties as that which was consulted in our past legislation."

It was now distinctly foreseen that the final contest relating to a protecting tariff was about be decided. Upon distributing the various subjects recommended to the consideration of Congress, this was referred in the house, to the committee of ways and means, of which Mr. Verplanck, of New York, was chairman.

Notwithstanding a new tariff had been adopted at the last session, after a lengthened discussion, and by large majorities, it was now determined to remodel the whole, to conciliate its opponents at the south, and on the 27th of December, a bill was reported by the committee of ways and means, which was understood to embody the views of the administration.

In the senate, also, the subject was taken up at an early period, and on the 13th of December, the chairman of the committee of finance presented a resolution calling on the secretary of the treasury for the plan and details of a bill in conformity with his suggestions. After some debate as to the propriety of calling on a branch of the executive department for an opinion, instead of facts or information, the resolution was adopted.

The bill reported in the house by Mr. Verplanck, proposed a diminution on all the protected articles, to take effect immediately, and a further diminution on the 2d of March, 1834. By this bill, a great and immediate reduction was contemplated upon the chief manufactures of the country, and a further reduction to the revenue standard in 1834. This would afford to the domestic manufacturer a protecting duty from 15 to 20 per cent., and with this advantage, the opponents of high duties argued that he should be content. On the other side, it was contended that the diminution was too great, and that by suddenly bringing the duties down to the minimum point, the government would violate its faith with those who had been induced to embark in manufacturing, by the adoption of what was declared to be the settled policy of the country, and who would be ruined by a sudden and unexpected withdrawal of the protection they enjoyed.

The bill of last session which was framed with the view of settling the question, had not yet been fairly tested, and it was insisted that such a vacillating course on the part of the government, was positive injustice to those who had vested their capital under the existing laws.*

While the discussion on the bill was going on, new interest was imparted to the subject by a message from the president to Congress, on the 16th of January, communicating the South Carolina ordinance and nullifying laws, together with his own views as to what should be done under the existing state of affairs. Upon the message being read in the senate, Mr. Calhoun repelled, in the most earnest manner, the imputation of any

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hostile feeling or intentions against the Union, on the part of South Carolina. The state authorities, he asserted, had looked only to a judicial decision upon the question, until the concentration of the United States troops at Charleston and Augusta had compelled them to make provision to defend themselves.

The judiciary committee, to whom the message was referred, reported a bill to enforce the collection of the revenue where any obstructions were offered to the officers employed in that duty. It vested full power in the president to employ the land and naval forces of the United States, if necessary, to carry the revenue laws into effect.

After the bill was reported to the senate, Mr. Calhoun offered a series of resolutions, embodying his views and those who sustained the doctrines of nullification, with regard to the powers of the general government and the rights of the states. Mr. Grundy, of Tennessee, offered other resolutions as substitutes for Mr. Calhoun's, and which set forth the views of the administration. The latter were not deemed, by a portion of the senate, fully to set forth the character of the government, inasmuch as while they declare the several acts of Congress laying duties on imports to be constitutional, and deny the power of a single state to annul them *or any other constitutional law*, tacitly yield the whole doctrine of nullification, by the implied admission that any unconstitutional law may be judged of by the state in the last resort, and annulled by the same authority. With the view of having placed upon record his opinions upon that point, Mr. Clayton, of Delaware, an opposition senator, proposed a resolution, setting them forth, and declaring that "the senate will not fail, in the faithful discharge of its most solemn duty, to support the executive in the just administration of the government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union."

The whole subject was now before Congress; and the state legislatures, being generally in session, passed resolutions expressing their opinions as to the course which that body ought to adopt.

In the legislatures of Massachusetts, Connecticut, New York, Delaware, Tennessee, Indiana, and Missouri, the doctrines of nullification were entirely disclaimed, as destructive to the constitution. Those of North Carolina and Alabama were no less explicit in condemning nullification, but they also expressed an opinion that the tariff was unconstitutional and inexpedient.

The state of Georgia also reprobated the doctrine of nullification, as unconstitutional, by a vote of 102 to 51 in her legislature; but it denounced the tariff in decided terms, and proposed a convention of the states of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Mississippi, to devise measures to obtain relief from that system.

The legislature of Virginia assumed a more extraordinary ground. The subject was referred to a committee on federal relations, and a general discussion was had on the powers of the government: and finally resolutions were passed, earnestly requesting South Carolina not to proceed further under the ordinance of their convention to reduce the import duties to a revenue standard, and declaring that the people of Virginia expect that the general government and the government of South Carolina will carefully abstain from all acts calculated to disturb the tranquillity of the country.

After further resolving that they adhere to the principles of the Virginia resolutions of 1798, but that they do not consider them as sanctioning the proceedings of South Carolina, or the president's proclamation, they proceeded to appoint Benjamin W. Leigh, as a commissioner on the part of the state, to proceed to South Carolina, to communicate the resolutions of Virginia, and to express their good-will to the people of that state, and their anxious solicitude for an accommodation between them and the general government.

The state of New Hampshire expressed no opinion as to the doctrines of South Carolina, but the legislature passed resolutions in favor of reducing the tariff to the revenue standard.

On the other hand, the legislatures of Massachusetts, Vermont, Rhode Island, New Jersey, and Pennsylvania, declared themselves to be opposed to any modification of the tariff.

While the states were thus sustaining their respective views and interests, Congress was slowly proceeding in the discussion of the questions belonging to the subject. In the house, the bill for reducing the tariff was subjected to an ordeal that threatened to prove fatal to its passage through that body. The discussion upon its general principles occupied the house for two weeks after its introduction, and was resumed from time to time, during the examination of its details, for the purpose of amendment; and but little prospect appeared of bringing about any satisfactory termination of this long-disputed question.*

The authorities of South Carolina, in the meantime, exerted themselves to increase the military force of the state. Munitions were provided, depôts formed, and the militia in the nullifying districts were called upon to volunteer in her defence. On the other hand, the minority of the people, who called themselves the union party, were equally determined not to submit to the nullifying ordinance and laws, and prepared themselves with equal firmness and zeal to sustain the federal authorities. A spark was sufficient to kindle the flame of civil war, but fortunately no accident occurred to bring about a collision. The revenue laws, under the protection of the forces of the general government, were carried into effect without any opposition by violence. No attempt was made to enforce the

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laws under the ordinance of the state convention, and on the 31st of January, at a meeting of the leading nullifiers at Charleston, after reiterating their determination to maintain their principles, and expressing their satisfaction at the proposition to modify the tariff, it was resolved that during the session of Congress, all collision be avoided between the state and federal authorities, in the hope that the controversy might be satisfactorily adjusted.

During these proceedings in South Carolina, the enforcing bill, providing for the collection of duties, was pressed forward to a vote. It was, however, delayed in the senate, by a lengthened discussion, until the 20th of February, when it passed that body by a vote of 32 ayes; Mr. Tyler, only, voting in the negative, the opponents of the bill generally having withdrawn. It also passed the house on the 28th of February, 150 to 35, and became a law.

The tariff bill reported by Mr. Verplanck, and sustained by the friends of the administration, in the house of representatives, was delayed in that body until the 12th of February; when Mr. Clay, of the senate, apprehending either the passage of that bill, which he considered would be destructive to the manufacturing interests, or that Congress would adjourn, leaving the matter unsettled, and the country in danger of a civil war, introduced, pursuant to notice, a measure of compromise in the senate. This was a bill which had been prepared, after much consultation, for the permanent adjustment of the tariff. It provided, that where the duties exceeded 20 per cent., there should be one tenth part of the excess deducted after December 30, 1833, and one tenth each alternate year, until the 31st of December, 1841, when one half of the residue was to be deducted, and after the 30th of June, 1842, the duties on all goods were to be reduced to twenty per cent. on a home valuation, and were to be paid in cash.

After Mr. Clay had stated that his views in introducing the bill were to preserve the protective tariff for a length of time, and to restore good feelings and tranquillity among the people, he explained the proposed measure and its probable operation. Mr. Calhoun expressed his approbation of the bill; and it was discussed by various senators until the 23d of February, when it was ordered to a third reading. On the 25th, Mr. Clay stated that a bill identical in its provisions to the one before the senate, had just passed the house, and would probably be presented the next day to the senate for approval. The senate, on his motion, therefore adjourned.

In the house of representatives, Mr. Verplanck's bill was taken up for discussion, when, on motion of Mr. Letcher, of Kentucky, it was recommitted, with instructions to report Mr. Clay's bill. The bill being referred to the committee, the substitute was agreed to, forthwith reported to the house, and the following day passed, by a vote of 119 to 85. In the senate, after some further discussion, it passed, ayes 29, noes 16, and received the signature of the president on the 2d of March, 1833.

The passage of this bill was regarded by all as a concession to South Carolina, and many considered it as sanctioning the ultimate triumph of the principles advanced by that state.

The supporters of the bill who were friendly to the system of protection insisted, on the contrary, that this was the only mode of preventing an entire and immediate destruction of the manufacturing interests. That the administration had a decided majority in the next Congress; and if the question was not settled now, the manufacturers would be entirely at the mercy of their enemies.

Those who looked to the ultimate results of this compromise, preferred to test, rather than to surrender, the powers of the government, and they strongly reprobated the idea of abandoning the policy of the government upon the demand of a single state.

The leaders of the nullifying party, on their part, affected to regard the compromise as an unqualified triumph. The convention of South Carolina assembled at Columbia, at the call of the governor, on the 11th of March, and, deeming it expedient to consider the compromise tariff as satisfactory, they repealed the ordinance nullifying the revenue laws, and nullified the enforcing law. After this the tariff controversy in South Carolina ended.

The bill providing for the distribution of the proceeds of the sales of the public lands among the states, was again introduced by Mr. Clay, at an early period of this session. After much discussion, it passed that body on the 25th of January, ayes 24, noes 20. It was not taken up in the house until the 1st of March, when, after being amended, it was passed, ayes 96, nays 40, and sent back to the senate. The amendment of the house was concurred in by the senate, 23 to 5. These votes indicated that two thirds of both houses were in favor of the policy proposed to be established by Mr. Clay's bill; and if the president had returned the bill with his objections, it was understood that it would have become a law, notwithstanding the veto.

This opportunity, however, was not given to them, as the president retained the bill until after the adjournment, which took place at the termination of their constitutional term on the 3d of March, and thus prevented Congress from expressing its opinion upon his objections. The bill was thus defeated by the executive, who in this manner assumed an absolute instead of a qualified veto upon the acts of Congress, which was confided to him by the constitution.* The reason of the president for his course in this matter, as given to the next Congress, was want of time for a due consideration of this important measure.

Among the subjects recommended by the president in his annual message in December, 1832, was the propriety of removing the public moneys from the United States bank. The secretary of the treasury, who had

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hitherto advocated the recharter of the bank, followed up the president's recommendation by the expression of his doubts as to their safety, if continued in its custody. An agent appointed by the treasury to investigate the actual condition of the bank, shortly after made his report, and it appeared that this institution had an excess of funds of more than seven millions of dollars over its liabilities, besides its capital of $35,000,000.

The president also recommended a sale of the stock of the bank belonging to the United States. A proposition to that effect, reported by Mr. Polk from the committee of ways and means in the house, was rejected on the first reading, 102 to 91.

The subject of the public deposites was referred to the same committee, who, through Mr. Verplanck, made a report stating the situation of the bank. They consequently recommended a resolution, that the government deposites may, in the opinion of the house, be safely continued in the bank of the United States. This resolution was adopted by the house —ayes 109, noes 46.

Appropriations were made at this session of Congress, for carrying on certain works before commenced, and the improvement of harbors and rivers, also for the Cumberland road, and certain territorial roads. Acts were also passed for improving the navigation of certain rivers in Florida and Michigan; making provision for publishing the documentary history of the American revolution; and sundry other laws of less general interest.

At the close of the first term of President Jackson, the foreign relations of the United States, with the exception of France, were in a favorable position. The first instalment of the indemnity to be paid by the treaty with France, was drawn for, in a bill of exchange by the American government, but the French chambers had not made any appropriation to meet it, and the bill was not accepted. This neglect was warmly resented by the president. Instructions were given to the American minister to urge upon the French government a prompt compliance with the treaty.

With Russia a treaty of commerce was concluded in December, 1832, upon the principles of reciprocity. A similar treaty was made with Belgium. Some claims of American merchants against Portugal, for illegal captures, were prosecuted to a successful result, and an effort was made by the administration to procure satisfaction from Spain, for illegal detentions and captures of American property, subsequent to the treaty of 1819, and an acknowledgment of their justice was finally extorted from that government. A treaty of commerce was concluded with Chili.

The second presidential term of General Jackson commenced on the 4th of March, 1833. At twelve o'clock on that day, the president and vice-president elect, attended by the heads of departments, foreign ministers and their suites, judges of the supreme court, senators, and members of the house of representatives, the mayor and citizens of Washington, and

strangers, entered the hall of representatives. The president took the seat of the speaker of the house, with the vice-president, Mr. Van Buren, on his left, and his private secretary, Mr. Donelson, on his right. After a pause of a few minutes, the president rose, and was greeted by the cheers of the large assembly present. He then proceeded, in an audible and firm voice, to pronounce his inaugural address, at the close of which he was again greeted with cheers and applause. The chief justice then administered the usual oath to the president. The oath was also administered to Mr. Van Buren, after which the president and vice-president retired, amid the plaudits of the assembly.

The excitement of the political contest was at an end; nullification was virtually relinquished by South Carolina; and the modification of the tariff had tranquillized the public mind. The angry feelings engendered by the election had subsided; and in a tour which the president made through the middle and eastern states, in the summer of 1833, both parties united to do honor to the chief magistrate of the republic; his opponents heartily approving of his course toward South Carolina, and of the principles avowed by him in his proclamation and message, and his supporters giving vent to those feelings which had originally enlisted them, as a party, in his favor.

A political calm had succeeded the tempest, and it seemed as if the second term of General Jackson's administration was about to prove as quiet and tranquil, as the first had been stormy and turbulent. This expectation was not destined to be realized. A new subject of excitement was at this time introduced into our politics, which continued to agitate the public mind for a large portion of the remaining period of General Jackson's administration, affecting, as it did, the interests of the community generally. We allude to the removal of the government deposites from the bank of the United States, by order of the president.

By the law of 1816, creating the bank of the United States, the public moneys were required to be deposited in the vaults of the bank and its branches, and, as an equivalent for that deposite, the bank assumed the responsibility of acting as the fiscal agent of the government.

In the same act, however, it was provided that the public deposites might be removed by the secretary of the treasury; but requiring him to lay his reasons for removing them immediately before Congress.

After the veto of the bill to recharter the bank, the president soon determined that that institution should be deprived of the public deposites, although the charter did not expire until 1836. We have already seen that Congress, in 1833, refused, by a decisive vote, to authorize the removal of the deposites, as recommended by the president, and new means were adopted to effect the contemplated end.

The secretary of state, Edward Livingston, being at this time appointed minister to France, on account of the state of our relations with that power,

Louis M'Lane, secretary of the treasury, who had declined to sanction the removal of the deposites from the United States bank, was transferred to the state department, and William J. Duane, of Pennsylvania, was appointed his successor. It was soon, however, found, that Mr. Duane was not willing to act in that matter, without sufficient reasons to sustain him before the world.

The president had urged Mr. Duane, during his northern tour in the summer of 1833, to remove the public moneys from the obnoxious institution, without convincing him of the propriety of the step. He finally obtained from him his consent to appoint Amos Kendall, as an agent, to inquire into the terms upon which the local banks, incorporated by the several states, would take the public deposites, upon the basis of mutual guarantee. This basis, however, was found to be inadmissible. The banks refused to guaranty for each other, and the secretary was soon made to understand that it was the president's determination to remove the deposites at all hazards.

To this he explicitly refused to lend himself. He even refused to fix a day after the adjournment of Congress, for their removal, in case that body did not act upon the subject. The most he would agree to was, to remove them in case Congress ordered him so to do.

In this dilemma, the president convoked the cabinet on the 10th of September, 1833, and laid before its members an exposition of his views upon this important question. The doctrines advanced in this document were, that the power of the secretary to remove the deposites was unqualified, and not limited to particular contingencies; that the speedy termination of the charter of the bank rendered it incumbent on the secretary to introduce a plan for keeping and disbursing the public revenue, before its dissolution, to avoid any derangement consequent upon such a change at that moment; that the conduct of the bank in relation to the redemption of the three per cent. stocks, and the bill on the French government; and its interference with politics, deserved punishment; and under those circumstances, the president assumed the responsibility himself, of removing the public deposites from the United States bank, and fixed upon the 1st of October, 1833, as the day for their removal.

The secretary of the treasury deliberated upon the question thus authoritatively pressed upon him, and on the 21st of September he announced to the president his determination not to carry his directions into effect. He also resolved not to resign; and as he was the only officer who could give a legal order for the removal of the public moneys, the president was compelled, in order to carry his designs into effect, to remove the secretary. This was done on the 23d of September, and Roger B. Taney (then attorney-general) appointed in his place. Benjamin F. Butler, of New York, was appointed attorney-general in place of Mr. Taney.

The new secretary was known to entertain similar opinions to those of

the president, both as to the right and expediency of removing the deposites, and he immediately issued the necessary orders for their removal to the local banks selected by him as agents of the government.

Almost simultaneously with this step, an attempt was made to destroy the credit of the bank, by suddenly presenting for payment, at one of the distant branches, a large amount of their circulating notes, which had been secretly accumulated. This demand was promptly met; but, connected with the withdrawal of the public deposites, it evinced a settled hostility against the bank, and compelled the directors to adopt a general system of retrenchment, with a view to its own safety.

Great commercial distress immediately ensued. The amount of the loans of the bank, on the 1st of October, 1833, was over sixty millions of dollars; and the amount of deposites of the United States government at that time in the bank, was $9,868,435, all of which amount was removed during a period of about nine months, and the greater part of the same during the first four months. At the moment of taking this step, the business of the country was unusually active. The capitalist and the merchant, mechanics and manufacturers, had unlimited confidence in each other, and all the moneyed institutions of the country had extended their loans to the utmost bounds of their ability.

At such a juncture, great and rigid retrenchment, attended with want of confidence, was necessarily productive of ruinous consequences. Private credit was deeply affected, and the business of the country was interrupted to a degree that could be attributable only to the panic which followed this violent attack upon the pecuniary concerns of the community.*

The twenty-third Congress held its first session from December 2, 1833, to June 30, 1834. There was a decided administration majority in the house of representatives. Andrew Stevenson was again elected speaker, receiving 142 votes, against 66 for all others, and 9 blanks. In the senate the new vice-president, Mr. Van Buren, took his seat, as presiding officer, but in that body the administration were in the minority, in consequence of Mr. Calhoun and other state-rights senators acting with the opposition.

The principal topic of discussion at this session of Congress was the removal of the deposites, by order of the president, from the bank of the United States. The subject was brought before the two houses by the president's message and the report from the secretary of the treasury. On the 26th of December, 1833, Mr. Clay offered the following resolution, in the senate, which gave rise to long and animated debates, and was finally adopted on the 28th March, 1834, ayes 26, noes 20: "*Resolved*, That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." Against this reso-

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lution the president sent in his protest to the senate, containing an elaborate argument on the subject, in which he denied the right of the senate to censure him in this way, and demanded that this remonstrance should be placed on their records. This the senate refused.

The senate, on the 4th of June, also adopted two joint resolutions offered by Mr. Clay, declaring, 1st, that the reasons of the secretary of the treasury were unsatisfactory and insufficient; 2d, requiring the deposite of the public moneys to be made in the bank of the United States. The first of these resolutions was adopted, 29 to 16; the second, 28 to 16. In the house of representatives they were laid on the table—ayes 114, noes 101.

The removal of the deposites caused intense excitement and much commercial distress throughout the Union. Numerous committees, appointed by merchants, mechanics, tradesmen, and others, in the principal cities and towns, waited on the president, asking that he would recommend some measure of relief. To these he replied, in substance, "that the government could give no relief, and provide no remedy; that the banks were the occasion of all the evils which existed, and that those who suffered by their great enterprise, had none to blame but themselves; that those who traded on borrowed capital ought to break." Petitions for the restoration of the deposites, or some other measure of relief, were poured into Congress during the whole session; they were favorably received in the senate, but as the house of representatives sustained the president, petitions to counteract his views met with but little favor in that body.

Resolutions reported by the committee of ways and means in the house, were adopted on the 4th of April; 1st, that the bank of the United States ought not to be rechartered—ayes 132, noes 82; 2d, that the public deposites ought not to be restored to the bank of the United States—ayes 118, noes 103.

On the 2d of June, the speaker of the house, Mr. Stevenson, having been nominated by the president minister to Great Britain, resigned his situation as speaker; and the house proceeded to ballot for a speaker in his place. John Bell, of Tennessee, was elected, on the tenth ballot, receiving 114 votes, to 78 for James K. Polk, and 26 scattering and blanks. Mr. Polk was the administration candidate, and Mr. Bell was elected by the votes of the opposition and a portion of the administration party who were opposed to Mr. Van Buren as successor to General Jackson.

On the 23d of June the senate rejected the nomination of Mr. Taney as secretary of the treasury, 28 to 18; and on the 24th Andrew Stevenson was rejected as minister to England, 23 to 22. The ground taken on the rejection of Mr. Stevenson was, that he had received the offer of the mission to Great Britain in a letter from the secretary of state, by order of the president, in March, 1833, after which he had been elected to Congress

and made speaker of the house, the committees of which he had appointed in conformity with the views of the president. Being called on by the senate for a copy of the letter to Mr. Stevenson offering him the mission, the president communicated the same, although denying their right to ask for it, and informed the senate that the contingency on which Mr. Stevenson was to be appointed did not arise, but the negotiation expected was commenced at Washington instead of London. The mission to England continued vacant for several years after the rejection of Mr. Van Buren, in 1832, and the affairs of the United States with that kingdom were, during the period, intrusted to Aaron Vail, who had been secretary of legation under Mr. Van Buren. The president declined nominating any other person as minister, until Mr. Stevenson was named, and after he was rejected, the place still continued vacant until March, 1836, when Mr. Stevenson was again nominated, and then confirmed by the senate. Strong objections were raised in the senate in 1834, against the frequent appointments of members of Congress to office by General Jackson. During the first five years of his administration he had appointed to office thirteen senators and twenty-five representatives. In June, 1834, Mr. M'Lane having resigned, John Forsyth, of Georgia, was appointed secretary of state, Mahlon Dickerson, of New Jersey, secretary of the navy, in place of Levi Woodbury, appointed secretary of the treasury.

An important act respecting the coinage of the United States was passed at this session. By this law the weight of the gold eagle of the United States was reduced twelve grains, being equal to 66½ cents less in value than the old coin of that denomination. Two other acts were passed, regulating the value of certain foreign gold and silver coins. The object of these several acts was to infuse a larger proportion of gold and silver into the currency of the United States than had been used; and this became a favorite project of the president and his supporters in the cabinet and in Congress. Increased activity was given to the mint, and the display of the new gold coin among the people had an important bearing on the elections in the different states, and operated favorably to the administration.

Among the other acts passed at this long and arduous session, those of most general interest were as follows: making appropriations for certain harbors and rivers; for completing a road from Memphis to Little Rock, in Arkansas; authorizing certain roads in Arkansas; aiding roads in Michigan; continuing the Cumberland road; appropriations for lighthouses; for improvement of the Hudson river; authorizing the purchase of the papers and books of General Washington.

The course of the president with regard to the bank of the United States, although it was popular with the mass of the people in some sections of the country, caused a considerable diminution of the strength of the administration in the commercial states, as evinced by the elections in

1834. Many of those who had supported General Jackson, now joined the opposition, the combined forces of the party opposing the administration now assuming the name of "whigs," and thus applied, the term was first adopted in the state of New York. The friends of the administration adhered to the party name of "democrats."

The twenty-third Congress held its second session from December 1, 1834, to March 3, 1835. George Poindexter, of Mississippi, had been chosen president *pro tem.* of the senate, at the close of the last session, but as the vice-president, Mr. Van Buren, was constantly in his seat as presiding officer, President Jackson was saved from the mortification of seeing at the head of the senate one to whom he was personally inimical; a quarrel having occurred between the president and the senator from Mississippi.

But few acts of general interest were passed at this short session. Appropriations were made for roads and surveys, also for certain harbors and rivers; and, as usual, for the Cumberland road. Branches of the mint were established at the gold mines in North Carolina and Georgia; also at New Orleans. In conformity with the recommendation of the president, an act was passed regulating the government deposites in the state banks. At the close of the session, John Tyler, of Virginia, was elected president *pro tem.* of the senate. He had generally acted with the opposition after the removal of the deposites from the United States bank, by President Jackson.

There was an impression at this time, that General Jackson contemplated retiring from the presidency, leaving the reins of government in the hands of Mr. Van Buren for the remainder of his term; but if he had such an intention it was abandoned. He was, however, anxious that Mr. Van Buren should be his successor in the presidency, and in February, 1835, he came out with a letter to a friend, in which he expresses himself in favor of a national democratic convention, to nominate a president and vice-president. The convention was a favorite project of Mr. Van Buren, and it soon appeared that all the supporters of the administration who were in favor of Mr. Van Buren as successor to General Jackson, advocated a nomination by a convention, while the opponents of Mr. Van Buren, in the same ranks, denounced that mode of nomination. A large section of the Jackson party gave early indications of an intention to support Hugh L. White, one of the Tennessee senators, for president, and in January, 1835, he was nominated by the legislature of Alabama, and, about the same time, by the people of Tennessee, and by the Tennessee delegation in the house of representatives, all of whom signed a letter in his favor, except James K. Polk and Cave Johnson. Mr. Van Buren was already nominated for the presidency by a state convention in Mississippi. Three candidates had been named by the whig opposition, namely, General William H. Harrison, of Ohio, by a meeting at Harrisburg; John

M'Lean, of Ohio, by a legislative caucus in that state ; and Daniel Webster, by the whigs in the legislature of Massachusetts.

The national democratic convention for the nomination of president and vice-president of the United States, met at Baltimore on the 20th of May, 1835. More than six hundred delegates were in attendance, and twenty-two states were represented. Upon the first ballot, Martin Van Buren received the unanimous vote of the convention for president. This was expected, as none but the friends of Mr. Van Buren took part in the convention. Colonel Richard M. Johnson, of Kentucky, received the nomination for vice-president, by 178 votes, to 87 for William C. Rives, of Virginia. The delegates from Virginia protested against the nomination of Colonel Johnson, declaring that he could not receive the vote of that state.

William T. Barry being appointed minister to Spain, Amos Kendall was appointed postmaster-general in his place, in May, 1835.

The payment of the first instalment of the French indemnity being still refused by the French chambers, the president instructed Mr. Livingston, minister to that court, to return to the United States. He accordingly asked for his passports, and arrived home in June, 1835. The affairs between the United States and France now wore a threatening aspect, but the matter in dispute was finally settled, through the intervention of the British government, in 1836.

The twenty-fourth Congress assembled on the 7th of December, 1835, and the first session continued until the 4th of July, 1836. James K. Polk, of Tennessee, was elected speaker of the house of representatives, having received 132 votes, against 64 for John Bell, the late speaker, and 9 scattering and blank votes. Mr. Polk was the administration candidate, and Mr. Bell was supported by the opposition, including the friends of Judge White for the presidency.

The statements in the message of the president at the opening of this session, indicated a high state of public prosperity, so far as the national treasury was concerned. The public debt had then been extinguished, and there was a large surplus remaining in the treasury. The country had at this time somewhat recovered from the panic and shock affecting public and private credit, occasioned by the removal of the deposites, and concomitant circumstances.

Mr. Clay again introduced a bill to provide for the distribution of the proceeds of the public lands among the states, which passed the senate by a vote of 25 to 20, but was not acted on by the house of representatives.

The most important act of the session was the distribution act, or a bill to regulate the deposites of the public money, which was passed in June, 1836 ; it provided that the money which should be in the treasury on the 1st day of January, 1837, reserving the sum of five millions of dollars, should be deposited with the several states, in proportion to their respec-

tive representation in Congress, which should by law authorize their treasurer or other competent authorities to receive the same. The deposites to be made with the states in quarterly amounts, commencing on the 1st of January, 1837.

The bill to distribute the proceeds of the public lands, as proposed by Mr. Clay, having failed, and there being a large surplus in the treasury, the bill just mentioned, for the distribution of the surplus revenue, was devised, to effect temporarily the same purpose; and to obviate the scruples of the president, the law provided for a deposite with the states without interest, instead of a positive transfer or quit-claim from the general government to the states. The law, however, received the support of more than two thirds of each house.* The amount thus divided among the states, with no expectation of being again recalled (and that can not be done till directed by Congress), was over twenty-eight millions of dollars. The balance of the public debt was paid off in 1835, and the amount of revenue from customs and sales of the public lands, in that and the succeeding year, had swollen the surplus in the treasury, in 1836, to more than forty millions of dollars. Owing to the subsequent pecuniary difficulties of the government, in 1837, Congress suspended the fourth instalment to be deposited with the states.

A new law respecting patents was also enacted at this session, and all former general laws on this subject were repealed. The state of Michigan was admitted into the Union, on certain conditions; but those conditions were not complied with until the following year, when the state was formally admitted. The state of Arkansas was also admitted into the Union. Among other important acts of the session, those of most general interest were those making appropriations for the improvement of certain harbors and rivers, and for continuing the Cumberland road. At the close of the session, William R. King, of Alabama, an administration senator, was elected president *pro tem.* of the senate. At the commencement of the session there was an opposition majority in the senate; but several changes had taken place, and the administration now claimed a majority in both branches of Congress.

A bill was passed by Congress fixing the day of meeting and adjournment, which was vetoed by the president, in the following message to the senate, on the 9th of June:—

"*To the Senate of the United States:*—

"The act of Congress 'to appoint a day for the annual meeting of Congress,' which originated in the senate, has not received my signature. The power of Congress to fix, by law, a day for the regular annual meeting of Congress is undoubted; but the concluding part of this act, which is intended to fix the adjournment of every succeeding Congress to the second Monday in May, after the commencement of the first session, does not ap-

* It passed the senate, ayes 39, noes 6—house, ayes 155 noes 38.

pear to me in accordance with the provisions of the constitution of the United States.

"The constitution provides:—

"1st article, 5th section: That 'neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.'

"1st article, 7th section: That 'every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on the question of adjournment), shall be presented to the president of the United States, and, before the same shall take effect, shall be approved of by him,' &c.

"2d article, 3d section: That 'he [the president] may, on extraordinary occasions, convene both houses of Congress, or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such times as he thinks proper,' &c.

"According to these provisions, the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the senate and house of representatives, the president has no right to meddle with the question, and, in that event, his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each house for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the executive aid, for its successors. As a substitute for the present rule, which requires the two houses by consent to fix the day of adjournment, and, in the event of disagreement, the president to decide, it is proposed to fix the day by law, to be binding in all future time, unless changed by consent of both houses of Congress, and to take away the contingent power of the executive, which, in anticipated cases of disagreement, is vested in him. This substitute is to apply, not to the present Congress and executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two houses of Congress, whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the president to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the senate. I do so with greater reluctance, as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable."

After the adjournment of Congress, the public mind was much agitated by the promulgation of an executive order from the treasury department, called "the specie circular." During the session, Mr. Benton, of Missouri, had offered a resolution in the senate, on the 22d of April, declaring that

nothing ought to be received but gold and silver in payment for the public lands, and that the committee on the public lands be instructed to report a bill accordingly. This resolution was not acted upon in the senate; but soon after Congress had adjourned, a circular was issued by Mr. Woodbury, secretary of the treasury, dated the 11th of July, 1836 (by order of the president), directing the receivers of the public moneys to receive, in payment of the public lands, nothing but gold and silver (and Virginia land scrip in certain cases). As the sales of the public lands had been very large for two or three years, and many of the purchases had been made on speculation, through the facilities afforded by the state banks, the operation of this specie circular from the treasury department, proved very disastrous in its effects upon the business community.

When it was ascertained that the bank of the United States would not be rechartered as a national institution, numerous banks were incorporated by the several state legislatures, to supply the supposed want of banking capital. The bank of the United States was chartered by the legislature of Pennsylvania, in 1836, with the same amount of capital as the national institution (the charter of which expired the same year), viz., thirty-five millions of dollars. The panic occasioned by the removal of the deposites having subsided, and the state banks being without the check of a national regulator to prevent excessive issues of paper circulation, the facilities of bank accommodations occasioned a scene of speculation which extended far and wide, over the whole Union, and all classes of citizens were more or less entangled in the operations which ensued. Extensive purchases of the public lands, by individuals and companies, were among the schemes of the day, for the employment of the abundance of bank paper.

The immediate effect of the treasury circular, requiring specie to be paid for purchases of the public lands, was to divert the flow of specie from the legitimate channels of commerce, and otherwise to derange the currency, thus embarrassing the operations of the business community. So far as the circular tended to check the tide of speculation, particularly in the public lands, its operation was deemed salutary.

In March, 1836, the senate confirmed the nomination of Roger B. Taney as chief justice of the supreme court, in place of John Marshall, deceased; also Philip P. Barbour, to fill a vacancy on the same bench; Amos Kendall, postmaster-general; and John H. Eaton, minister to Spain. Mr. Kendall succeeded William T. Barry in May, 1835, but was not confirmed until 1836. In June, 1834, the senate passed a vote of censure unanimously (yeas 41), on Mr. Barry, for borrowing money illegally of banks, on account of the postoffice department. When he resigned the office of postmaster-general, President Jackson appointed him minister to Spain, in 1835; his health at the time was precarious, and he died at Liverpool, in England, on the 30th of August, the same

year. Mr. Eaton, formerly secretary of war, was appointed to succeed him.

The presidential election, which took place in the fall of 1836, was warmly contested. The different sections of the opposition, although they were unable to concentrate their forces upon a single candidate for president, had strong hopes of defeating the election of Mr. Van Buren by throwing the final choice into the house of representatives, and it was not believed that Mr. Van Buren could obtain a majority of the electoral votes, over all his opponents. The result was contrary to all reasonable calculations, and proved the potency of party discipline, even in electing the chief magistrate of the American republic. The great portion of the opposition supported General William H. Harrison, of Ohio, for president, but Judge White, of Tennessee, was preferred in some of the southern and south-western states, and in several states the friends of Harrison and White united on the same electoral tickets; in no instance did they run in opposition to each other, in the same state. The friends of General Harrison, generally, nominated for vice president, Francis Granger, of New York, while the supporters of Judge White nominated John Tyler, of Virginia, who also received the votes of the Harrison men in Maryland, and the state-rights men in South Carolina. Massachusetts supported Daniel Webster for president, and the vote of South Carolina was given to Willie P. Mangum, of North Carolina.

The result of the election was as follows: For president, Martin Van Buren 170, William H. Harrison 73, Hugh L. White 26, Daniel Webster 14, Willie P. Mangum 11. Total opposition, 124 votes: majority for Van Buren, 46. For vice-president, Richard M. Johnson 147, Francis Granger 77, John Tyler 47, William Smith, of Alabama (the vote of Virginia), 23. Michigan (3 votes, included in the above) was not formally admitted into the Union as a state at the time when the electors were chosen. After the votes for president and vice-president were counted in Congress, in February, 1837, the president of the senate declared Martin Van Buren elected president of the United States; and that no person had been elected vice-president. The senate, in conformity to the provisions of the constitution, then proceeded to elect a vice-president, and made choice of Richard M. Johnson, of Kentucky, he having 33 votes, and Francis Granger 16.

The second session of the twenty-fourth Congress commenced on the 5th of December, 1836, and terminated on the 3d of March, 1837. But few acts of general interest were passed; among them were an act to admit the state of Michigan into the Union; and acts making appropriations for harbors, rivers, roads, and lighthouses. Mr. King was continued as president of the senate *pro tem.* The most exciting subject of the session was the passage, by the senate, after a warm debate, of a resolution, on the 16th of January, offered by Mr. Benton, to expunge from the records

(by drawing black lines around it) the resolution offered by Mr. Clay, and adopted on the 28th of March, 1834, viz.: "*Resolved*, That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." The expunging resolution which was now adopted, by a vote of 24 to 19, and immediately carried into effect, by the secretary of the senate, was offered by Mr. Benton at a previous session, but was not pressed to a decision until an administration majority was secured in the senate.

In consequence of the dissatisfaction felt in the country with the operation of the specie circular of the treasury department, before mentioned, a bill passed both houses at this session, designating and limiting the funds receivable for the revenues of the United States. This bill, which provided for the reception of the notes of specie-paying banks, in certain cases, was warmly debated, and particularly opposed by Mr. Benton. The president prevented it from becoming a law, by retaining it in his hands after the adjournment of Congress; and this informal veto formed the last act of his administration. His reasons are set forth in the following paper, which was published in the Globe (the official gazette), after General Jackson retired from the presidency:—

Reasons of the president for retaining the bill designating and limiting the funds receivable for the revenues of the United States.

"WASHINGTON, *March* 3, 1837,
"¼ before 12, P. M.

"The bill from the senate entitled, 'An act designating and limiting the funds receivable for the revenues of the United States,' came to my hands yesterday, at 2 o'clock, P. M. On perusing it, I found its provisions so complex and uncertain, that I deemed it necessary to obtain the opinion of the attorney-general of the United States, on several important questions, touching its construction and effect, before I could decide on the disposition to be made of it. The attorney-general took up the subject immediately, and his reply was reported to me this day, at 5 o'clock, P. M. As this officer, after a careful and laborious examination of the bill, and a distinct expression of his opinion on the points proposed to him, still came to the conclusion that the construction of the bill, should it become a law, would be a subject of much perplexity and doubt (a view of the bill entirely coincident with my own), and as I can not think it proper, in a matter of such vital interest, and of such constant application, to approve a bill so liable to diversity of interpretation, and more especially, as I have not had time, amid the duties constantly pressing on me, to give the subject that deliberate consideration which its importance demands, I am constrained to retain the bill, without acting definitively thereon; and to the end that my reasons for this step may be fully understood, I shall cause

this paper, with the opinion of the attorney-general, and the bill in question, to be deposited in the department of state.

"ANDREW JACKSON."

Having issued to his countrymen the farewell address which is to be found in the preceding pages, and which is to be considered as imbodying his political views and principles, General Jackson remained at Washington, to witness the inauguration of his chosen friend and successor, into whose hands he cheerfully committed the reins of government, and immediately went into retirement, at the Hermitage, in Tennessee.

Thus terminated the administration of Andrew Jackson; of which it may be remarked, that the space it occupies in our history is one which must always be considered an eventful era, characterized by scenes of continued agitation and excitement of the public mind. At no period since the formation of our government, have the principles of free institutions and particularly our constitution, as well as important measures bearing on the interests of the people, been discussed with more ardor and ability. The exciting topics agitated during the presidential terms of General Jackson, are too intimately connected with the partisan politics of the present day, and the events we have related are too near, to admit of impartial comment at this time. The American people are still divided in opinion, and will probably long continue so, with regard to the merits of General Jackson's administration.

We present a summary of some of the arguments on both sides, for future reference. It is claimed by his admirers, and the supporters of a similar policy, that his course as a statesman was wise, and beneficial to the country, inasmuch as the firm and decided tone displayed in the intercourse of the government with foreign powers elevated the national character, and effected the settlement of the long and protracted claims of our citizens for the former acts of injustice of those nations toward Americans; that Jackson's administration was energetic, and of a positive not negative character; that under it the national debt was extinguished, and the attention of the people turned toward a specie currency, instead of depending on the uncertainty of bank-paper exclusively for a circulation; that the firmness of General Jackson in refusing to sanction a renewal of the charter of the United States bank, and his subsequent course toward that institution, particularly in the removal of the deposites, effected the destruction of a dangerous monopoly; and that his vetoes of the Maysville road bill and other schemes of internal improvement, as well as the land bill introduced by Mr. Clay, arrested the progress of extravagance and speculation in the states and among the people.

The political opponents of General Jackson, on the contrary, contend, that inasmuch as the policy and plan of extinguishing the public debt by annual payments, had been adopted by President Monroe, twenty years

before, and the system of revenue and finance established under his predecessors; the merit claimed for General Jackson, with regard to the payment of the public debt, is not justly his due; that the credit of this provident plan of gradually reducing the debt, was principally due to Mr. Lowndes, a distinguished member of Congress from South Carolina; and President Adams and the Congress acting with him, had faithfully pursued this wise and prudent course, having reduced the national debt, by the appropriation of about ten millions annually. The credit of managing our foreign relations with ability is not denied to General Jackson by his political opponents. With regard to his course in other matters, it is thus summed up by Mr. Bradford, in his history of the federal government:—

"The promises of President Jackson's friends and supporters were not realized. They, indeed, were rewarded; but not without a gross disregard to economy; and whoever would not flatter the president, nor applaud his measures, however honest, were removed from office; and his professed friends exclusively intrusted with commissions which should be given only to the upright and patriotic.

"But his arbitrary conduct in the management of the public moneys was most highly objectionable and most alarming to the friends of constitutional law, who considered the funds of the government entirely under the control of the representatives of the people; except that the executive should be allowed discretion as to the time and manner of expending the money appropriated by law. His conduct, therefore, in seizing on the public funds, and withdrawing them from the bank of the United States, where Congress had ordered them to be deposited and kept, was very generally condemned, as an act of a most arbitrary nature, and of very dangerous precedent. And it was not so much this single act, arbitrary and unauthorized as it was, as the principle assumed by the president, in this measure, of a right in the executive to go beyond law, and contrary to law even; and to make his own opinion, rather than the laws of Congress, the rule of his conduct.

"The conduct of President Jackson was not, in all respects, so favorable to the hopes of those who had been sanguine in their belief of the perpetuity of the republic, as that of his two immediate predecessors. Of the others, it is not necessary here to speak. They made the constitution a guide in their practice as well as in their professions; and assumed little or no powers not clearly vested in the chief magistrate of the Union. In monarchies, the reigning prince has high discretionary powers. The exercise of the royal prerogative is often carried to a great extent; and thus the rights of the subjects are liable to be violated by the mere will of the king. In a republic, it is at least theoretically otherwise. Where the discretion of the magistrate is the rule and measure of his official acts, however patriotic are his purposes, equal and impartial justice can not be expected. He is not infallible, and may err in his judgment. He is

subject to like passions and prejudices, as other men, and will probably act from partial and improper feelings. From this source, there is always great danger to a republican government. The people must check all usurpation, and all arbitrary assumption of power in their rulers, or their liberties will be temporary and evanescent. If several successive chief magistrates of the Union are arbitrary in administering the government, and repeatedly transcend or disregard the provisions of the constitution, many generations will not have passed, before their civil freedom will be lost beyond recovery, and the people subject to as despotic rule as that of Cæsar, or Napoleon, or the autocrat of Russia. Unless the constitution be the guide, the government of the United States, once highly blest, will be that of misrule and despotism."



Martin Van Buren

BIOGRAPHICAL SKETCH

OF

MARTIN VAN BUREN.

The seven presidents of the United States whose lives and administrations we have noticed in the preceding pages, it will have been observed, were all descended from emigrants from the British isles; their official terms occupy a space of forty-eight years, or nearly half a century from the adoption of the constitution; and each of them had witnessed the period when the nation acquired her independence. We now enter upon a new era, and, leaving those whose early lives carry our memories back to the men and the times of our revolutionary struggle, we proceed to sketch the career of our eighth president, who, to use his own words, "unlike all who have preceded him, was born after the revolution was achieved;" belonging, also, to another race by descent, as well as to a later age.

The ancestors of Mr. Van Buren, both paternal and maternal, were among the early emigrants from Holland to the colony of New Netherlands, now the state of New York. The family have always resided in the ancient town of Kinderhook, Columbia county, on the east bank of the Hudson river. The father of the president, Abraham Van Buren, was a farmer of moderate circumstances, who is represented to have been an upright and intelligent man, of strong common sense, and pacific disposition. The maiden name of the mother of the president was Hoes, also of Dutch descent. The name was originally Goes, and was one of some distinction in the history of the Netherlands. She was twice married; first to Mr. Van Alen, by whom she had two sons and a daughter, all of whom have been many years deceased. James I. Van Alen was a respectable lawyer of Columbia county, who was honored with several important offices, and with whom his younger half-brother was connected in business at his entrance to the bar.

The mother of Mr. Van Buren was distantly connected with the family of his father before their marriage. She was distinguished for her amia-

ble disposition, sagacity, and exemplary piety. She survived until 1818, four years after the death of her second husband.

Martin Van Buren is the eldest son of these parents. He was born at Kinderhook, December, 5, 1782. At an early age he exhibited indications of a superior understanding. His opportunities of instruction were limited, probably on account of the moderate property of his father, who had two other sons, and two daughters.*

After acquiring the rudiments of an English education, he became a student in the academy, in his native village. He there made considerable progress in the various branches of English literature, and gained some knowledge of Latin. It may be inferred, however, that all these acquisitions were not great in amount, as he left the academy, when but fourteen years of age, to begin the study of his profession.

At that early period he evinced a strong passion for extempore speaking and literary composition. Even at that early age, too, he is represented, by those who knew him, to have had a spirit of observation, with regard to public events, and the personal dispositions and characters of those around him, which gave an earnest of his future proficiency in the science of politics and of the human heart.

In the year 1796, at the age of fourteen, Mr. Van Buren commenced the study of the law, in the office of Francis Sylvester, Esq., a respectable lawyer of Kinderhook. The courts of law in the state of New York have adhered more closely to the English forms of practice than has been done in most of the other states. The period of study preparatory to admission to the bar, was seven years, for candidates who, like the subject of this memoir, had not the benefit of a collegiate education.

The management of cases in courts held by justices of the peace, not unfrequently devolved upon students at law. The early indications of ability as a speaker and reasoner, which were exhibited by Mr. Van Buren, occasioned his almost incessant employment in trials in these courts, from the earliest period of commencing the study of his profession. His father was a firm whig in the revolution, and a democrat in the days of John Adams; and the son was educated in the same principles, and of course formed his most intimate connexion with persons of the same political faith. The democratic party was then a small minority in the town and county of his nativity. His political opinions, as well as his talents, led to his employment by the members of his own party, in their controversies with regard to personal rights, and rights of property. It often happened that, in the management of cases, he encountered men of age, talent, and high standing in the profession.

At this early period Mr. Van Buren was an ardent and active politician. It was his constant habit to attend all meetings of the democratic party, to study with attention the political intelligence of the day, and to yield his

* For part of this memoir we are indebted to Professor Holland's Life of Van Buren.

most zealous aid to the principles he held to be true. As early as 1800, when only in his eighteenth year, and still a student at law, he was deputed by the republicans in his native town, to attend a convention of delegates to nominate a candidate for the legislature. He had similar marks of the confidence of his political friends, on other occasions during his minority.

The last year of Mr. Van Buren's preparatory studies was passed in the city of New York, in the office of Mr. William P. Van Ness, and under his direction. This gentleman was a native of Columbia county, but at that time a distinguished member of the bar in the city of New York, and a very conspicuous leader of the democratic party. In this situation Mr. Van Buren had every possible advantage for improvement; and his thirst for knowledge, together with his aptitude in acquiring it, enabled him to make great advances.

Mr. Van Ness was a devoted and intimate friend of Colonel Aaron Burr at that time vice-president of the United States; and in the feud which sprung up after the presidential election, between the respective friends of the president and vice-president, Mr. Van Ness advocated the cause of Colonel Burr, through the public press, with signal ability. Through the medium of this gentleman, Mr. Van Buren was introduced to the notice of the vice-president, who was led, by his knowledge of the young lawyer's activity and influence in his native county, as well as by a quick-sighted observation of the future eminence promised by his early display of talent, to treat him with marked attention, and to make every reasonable effort to secure his favorable regard. The tact and ability displayed by Colonel Burr in the great political contest which resulted in elevating Mr. Jefferson and himself to the highest offices in the gift of the people, and the reputation he had acquired as a leader of the party, caused him to be looked upon as an oracle of political wisdom, particularly by young and ardent democrats, who were desirous of availing themselves of instruction from so experienced and influential a source. Among the maxims of Colonel Burr for the guidance of politicians, one of the most prominent was, that the people at elections were to be managed by the same rules of discipline as the soldiers of an army; that a few leaders were to think for the masses; and that the latter were to obey implicitly their leaders, and to move only at the word of command. He had, therefore, great confidence in the machinery of party, and that system of regular nominations in American politics of which he may perhaps be considered one of the founders. Educated as a military man, and imbibing his early views with regard to governing others, in the camp, it is not surprising that Colonel Burr should have applied the rules of military life to politics, and always inculcated the importance of discipline in the ranks of a party, to insure its ultimate success. In no part of the United States have these party rules been more constantly and rigidly enforced, than among the demo-

crats of the state of New York; and to their steady adherence to them may be attributed the long succession of triumphs which have been achieved by the party with whom Mr. Van Buren has uniformly acted.

In November, 1803, in the twenty-first year of his age, Mr. Van Buren was admitted, as an attorney at law, to the bar of the supreme court in the state of New York, and immediately returned to his native village, to commence the practice of his profession. He formed a partnership in business with the Hon. James I. Van Alen, a half-brother on his mother's side, and a gentleman who was considerably his senior. The bar of Columbia county, at that time, embraced some of the most distinguished members of the legal profession in the state of New York, among whom were William W. Van Ness (afterward a judge of the supreme court of the state), Elisha Williams, Thomas P. Grosvenor, and Jacob R. Van Rensselaer. Other names might be mentioned as then in the field of competition upon which the youthful subject of this sketch then entered. The state of political parties at the period shows the difficulties with which he contended.

At the time when Mr. Van Buren commenced his professional career, the violence of party spirit was extreme throughout the country. The state of New York was fearfully agitated by its influence; and in the county of Mr. Van Buren's residence, political dissensions were carried to the greatest extremities. The administration of the federal government had then passed, after a violent struggle, into the hands of the democratic party, but it was considered by no means certain that their ascendency would be of long continuance. In the state of New York generally, the democratic party triumphed in the elections after 1800; but in the county of Columbia the federal party long held the reins of power. The landholders in Kinderhook and its vicinity had inherited large estates from a long line of wealthy ancestors, and had exercised, by proscription, an influence over their tenants and the more recent emigrants, analogous in its nature, and almost in its extent, to the baronial prerogatives of feudal lords. The great mass of mercantile and professional men in the county were dependent upon these wealthy freeholders for patronage, as also were the laborers and mechanics, in a still greater degree. The members of these families were generally federalists, and looked with anxious disapprobation upon any efforts to extend popular rights. Toward the champions of the democracy they exhibited neither liberality nor toleration, but carried on a warfare against them, both in public and private, of the most obstinate and embittered character.

Mr. Van Buren's early exhibition of energy and talent attracted their attention, and no ordinary pains were taken to detach him from the connexion he had chosen with the democracy. The gentleman with whom he had studied his profession, Mr. Sylvester, and his relative and partner in business, Mr. Van Alen, were federalists, and by their example and

advice endeavored to withdraw him from a political connexion which they viewed as wrong, and injurious to his prospects in business. "Firmly fixed in the political faith of his father, who was a whig in the revolution, an anti-federalist in 1788, and an early supporter of Jefferson, the subject of this memoir," says his biographer, "shrunk not from the severe tests which were applied to the strength and integrity of his convictions. Without patronage, comparatively poor, a plebeian by birth, and not furnished with the advantages of a superior education, he refused to worship, either at the shrine of wealth or power, but followed the dictates of his native judgment, and hesitated not, in behalf of the cause which he thus adopted, to encounter the utmost violence of his political enemies."

Thus connected with the democratic party, he naturally became the vindicator, not only of their political faith, but of their legal rights. The conflicts in which he engaged, rapidly invigorated and enlarged his natural powers. It was soon seen that he was able to cope with the ablest of his opponents in the local courts. In 1807 he was admitted as a counsellor in the supreme court, where he was brought into more immediate collision with the most distinguished members of the profession. In 1808 he was appointed surrogate of Columbia county, soon after which he removed to the city of Hudson, where he resided during seven years, and rapidly advanced toward a high rank in his profession. In 1815 he was appointed attorney-general of the state, at which time his practice in the courts had become extensive and lucrative. His career as a lawyer occupies a period of twenty-five years, and was closed in the spring of 1828.

Mr. Van Buren was married in 1806, to Miss Hannah Hoes, who was distantly related to him before their marriage. The intimacy which resulted in this union, was formed in very early life. His ardent attachment to her was evinced on all occasions until the period of her decease, by consumption, in 1818. This lady left him a family of four sons, and Mr. Van Buren has since remained a widower.

Having thus noted the professional and private life of Mr. Van Buren, it remains briefly to sketch his career as a politician and statesman.

His first active participation in political affairs, was in the great contest which preceded the elevation of Mr. Jefferson to the presidency, in 1801. At the early age of eighteen years we find him intrusted with the expression of the political views of a portion of the democratic party, as we have already stated, in being chosen a delegate to a convention. His abilities were put in requisition on that occasion, in preparing an address to the electors of the district in which he resided.

In the spring of 1804, he made his first appearance at the polls as an elector. At that election Morgan Lewis and Aaron Burr (then vice-president of the United States) were the opposing candidates for governor of New York. Both belonged to the democratic party, but the former re-

ceived the regular nomination of a majority of the democrats in the legislature, while the latter was supported by a smaller section of the party, and a portion of the federalists. In Columbia county Colonel Burr was warmly sustained by many leading politicians, among whom were some of Mr. Van Buren's best friends. During his own residence as a student at law in the city of New York, with Mr. William P. Van Ness, a friend of Burr, he had received many flattering marks of attention from the vice-president. But true to his own principles and the spirit of his party, Mr. Van Buren gave his vigorous and unhesitating support to Mr. Lewis, at the hazard of a temporary estrangement from several valued democratic friends.

In 1807 the antagonist candidates for governor were Morgan Lewis and Daniel D. Tompkins. The latter was then the candidate of a large majority of the democratic party; Governor Lewis receiving the support of the federalists and a few democrats. Tompkins was elected by a large majority of votes; he received Mr. Van Buren's most zealous and decided support on this occasion, also in 1810 and 1813; the views of these two leaders of the democratic party generally agreeing on the prominent political questions of the period.

In 1808 Mr. Van Buren was appointed surrogate of Columbia county, and retained the office until February, 1813, when, the federalists having obtained the ascendency in the state, he was removed. It may be here remarked, that the administration of Mr. Jefferson, during its whole course, received his constant support. The non-intercourse act, the embargo, and other measures of Mr. Jefferson, received his hearty concurrence. He warmly defended and justified the course of George Clinton, then vice-president of the United States, in giving his casting vote, in February, 1811, against the bill for renewing the charter of the first bank of the United States. It is curious to notice in this place, that the renewal of the charter of the bank was recommended by Mr. Gallatin, then secretary of the treasury, and sustained in the senate by William H. Crawford, two gentlemen whom Mr. Van Buren joined with others in recommending for president and vice-president of the United States in 1824.

In 1812 Mr. Van Buren was, for the first time, a candidate for an elective office, having been nominated as a senator from the counties then comprising the middle district of the state. His opponent was Edward P. Livingston, belonging also to the democracy; a man of wealth and powerful family connexions, and supported by the bank democrats and the entire federal party of the district. The contest was one of the most violent ver known in the state, and resulted in the election of Mr. Van Buren, by a majority of about 200, in an aggregate of twenty thousand votes. Thus, in the thirtieth year of his age, he was placed in the highest branch of the legislature of his native state.

Previous to his election, the democratic members of the legislature of

New York had, in the spring of 1812, nominated De Witt Clinton for president of the United States, and in November, 1812, the succeeding legislature met for the purpose of choosing presidential electors. On this occasion Mr. Van Buren took his seat in the senate, and voted for the electoral ticket which was elected, and which gave Mr. Clinton the vote of the state. In supporting the nomination of Mr. Clinton, Mr. Van Buren consulted what he believed to be the wishes of the majority of the democratic party of the state. At the same time, he was an open and decided advocate of all the strong measures proposed against Great Britain during the session of Congress in 1811–'12, the war included. And, though in the choice of electors Mr. Clinton received the votes of some of the federal members of the legislature of New York, and was also supported by that party in other states, Mr. Van Buren's relations to it were entirely unaltered. At the same session he was placed upon the committee of the senate to answer the governor's speech, which answer he prepared and reported. It vindicated the justice of the war, and urged a vigorous prosecution of it. At the ensuing session of the legislature, which commenced in 1813, the political relations previously existing between Mr. Clinton and Mr. Van Buren were dissolved, and never again resumed. From the commencement of his legislative career, Mr. Van Buren gave to all war measures the most decided and vigorous support; among which was a plan for raising troops by classification. He supported the re-election of Governor Tompkins, and, as chairman of the committee which made the nomination, he prepared the address to the republican electors of the state.

In 1815, Mr. Van Buren received the appointment of attorney-general of the state of New York. The same year he was appointed by the legislature a regent of the university. In the spring of 1816 he was re-elected to the senate for the further period of four years.

When the project of internal improvement in the state of New York, by canals from Lakes Erie and Champlain to the Hudson river, was brought before the legislature, in 1816, it was sustained with zeal and ability by Mr. Van Buren, who on this occasion received the personal thanks of Mr. Clinton, the great advocate of the measure, for his exertions in favor of the same.

In 1817 De Witt Clinton was nominated for governor of the state of New York, in place of Daniel D. Tompkins, who had been elected vice-president of the United States. Mr. Van Buren acquiesced in this nomination, though it was contrary to his individual wishes and opinions, and he had used his exertions to prevent it. The distinguished talents of Mr. Clinton, and his zealous efforts in promoting the great interests of the state, had so far won the respect and confidence of the people, that there was comparatively little opposition to his election, after his nomination. But, though he received nearly the unanimous vote of both the great po-

litical parties throughout the state, the result proved that it was a deceitful calm which followed the election, and that, as a large portion of the democratic party were deadly hostile to the newly-elected governor, the elements for bitter party strife were only temporarily concealed.

We must now revert to the presidential election of 1816, for the purpose of showing Mr. Van Buren's course in that affair, and the bearing that election had on the politics of New York.

During the war, Governor Tompkins and Mr. Van Buren were considered the leaders of the democratic party in the state of New York. The public services and great personal popularity of Governor Tompkins, induced President Madison to offer him a seat in his cabinet, as secretary of state, which office, however, he declined. As the secretary of state was then, according to established usage, heir apparent to the presidential chair, and the admitted favorite of the president for the time being, Governor Tompkins considered the offer of Mr. Madison as a commitment on the part of the administration to support him for the next president. It was therefore expected, in the state of New York, that Tompkins would succeed Madison as president; and at a celebration of the return of peace, at Albany, in February, 1815, a splendid transparency was displaced, with the names of Tompkins and Crawford inscribed thereon. This indicated that the latter was expected to be nominated for vice-president.

The democratic members of the New York legislature, in February, 1816, instructed the members of Congress from the state to sustain the claims of Tompkins, and Mr. Van Buren visited Washington to aid his friend in the nomination. But his claims were not pressed in the congressional caucus which met in March, 1816; the contest in that body was between Monroe and Crawford, and the former was nominated by a small majority over the latter. Governor Tompkins was nominated for vice-president, a result at which he was much disappointed. Finding Tompkins out of the question for president, a majority of the New York delegation was rather ardent in support of Crawford. Mr. Van Buren took no decided part in the matter. Mr. Hammond, who was one of the New York delegation, remarks, that "if at Albany Mr. Van Buren was ardent in the support of Tompkins, at Washington, to say the least, he was philosophically calm and cool."*

From this time forward Mr. Van Buren co-operated with the leading democratic politicians of Virginia; and when it was determined by them that Mr. Crawford should be the successor of Mr. Monroe as president, Mr. Van Buren gave him his most zealous, though unsuccessful support, in the political campaign of 1824.

Having determined to oppose the administration of Governor Clinton, Mr. Van Buren, being then a member of the senate of the state, commenced, in 1818, the organization of that portion of the democratic party

* Hammond's Political History of New York.

who were dissatisfied with the election of the governor. Hence arose the formation, under his auspices, of a small but formidable and secret association of politicians at the seat of the state government, which received from their political opponents the cognomen of "the Albany regency." It was composed of persons holding offices under the state and the general governments, and a few other influential citizens of the democratic party; and by skill, position, and party discipline, with the aid of a party press, this regency is supposed to have swayed the power and destinies of the state for more than a quarter of a century. It is proper to mention, however, that the existence of this Albany regency has been generally denied by the friends of Mr. Van Buren.

The difficulties in the democratic party between the respective friends of Mr. Van Buren and Governor Clinton, soon widened into an open rupture. A large majority of the democrats of the state followed Mr. Van Buren, while most of the friends of the canal policy, and the great body of the federal party, with few exceptions, sustained Governor Clinton. The council of appointment being devoted to the views of Governor Clinton, in July, 1819, removed Mr. Van Buren from the office of attorney-general, the duties of which he had discharged for more than four years, during which period he had also been a member of the senate.

The opposition to Governor Clinton constantly increased in violence, and in the senate of the state there was a majority against him during the whole period of his administration. The most strenuous exertions were made by his democratic opponents to prevent his re-election. Mr. Van Buren took the lead in their efforts, and the vice-president, Daniel D. Tompkins, was prevailed upon to become the opposing candidate for governor. The contest was close and animated, Mr. Clinton being successful by a majority of 1,457 out of 93,437 votes. The whole number of votes against him on his former election was but twenty-two more than his present majority. Both houses of the legislature, and the council of appointment, however, were decidedly anti-Clintonian. A restoration to the office of attorney-general was now tendered to Mr. Van Buren, but was declined by him.

The legislature having failed to elect a senator of the United States, in 1819, in place of Mr. Rufus King, whose term of service expired that year, a pamphlet was prepared by Mr. Van Buren, shortly before the meeting of the succeeding legislature, in 1820, in favor of the election by the democratic party of Mr. King to the senate for another term of six years. Mr. King, it will be remembered, was a federalist, and had been one of the most prominent leaders of that party in the United States, while they acted as an organized political body. Mr. Van Buren and his friends had refused to vote for Mr. King in the legislature of 1819, but his election was now urged on democrats, in consequence of his having supported the last war; his revolutionary services, and his present opposition to Mr.

Clinton, were assigned as further reasons for supporting him. The real object of the pamphlet was to draw in a portion of the federalists throughout the state, to the support of Mr. Tompkins in the then approaching election. The friends of Mr. Van Buren were in the minority in the legislature, and were, therefore, compelled to choose between Mr. King, or some other federalist, and a friend of Governor Clinton. The result was, the election of Mr. King, by the legislature, by a vote nearly unanimous, the Clintonians also supporting him.

At the same session of the legislature, a resolution was adopted, instructing their senators, and requesting the representatives of the state in Congress, to oppose the admission of Missouri, or any other territory into the Union, without making the prohibition of slavery therein an indispensable condition of admission. The senate concurred in this resolution from the assembly without division or debate, and among the senators Mr. Van Buren, though it was not brought before the legislature by his agency. Still, he must be regarded as having concurred, at that time, in the sentiment of the resolution thus adopted by the legislature.*

Mr. Van Buren was, in February, 1821, elected by the legislature of New York, a member of the senate of the United States, in place of Nathan Sanford, whose term of service expired in March, 1821. Mr. Sanford was a democrat and a candidate for re-election, but at the legislative caucus, which was attended by eighty-two democratic members, Mr. Van Buren received fifty-eight votes, and Mr. Sanford twenty-four. The Clintonians and federalists in the legislature voted for Mr. Sanford, who received sixty votes, and Mr. Van Buren eighty-six votes. Thus it will be observed, that Mr. Sanford was the preference of a large majority of the legislature, and without the agency of a caucus nomination Mr. Van Buren could not have been chosen.

A convention to revise the constitution of the state of New York, was chosen by the people in 1821, and assembled in August of that year. Mr Van Buren, then United States senator elect, was elected a member of the convention, by the democrats of Otsego county, although he then resided in the city of Albany.

In this convention, which comprised many of the most able and influential men in the state, Mr. Van Buren took an active and leading part. There were three classes of politicians in that body: first, those opposed to any important changes in the old constitution of 1777, except the abolition of the council of appointment and the council of revision; second, those in favor of moderate changes in the constitution, of the abolition of the freehold qualification for voters, and the reasonable extension of the elective franchise; third, the radicals, or those in favor of universal suffrage, and an entire and radical change in the form of government. Mr. Van Buren belonged to the second of these classes, and his course in the

* Holland.

convention was generally conservative. He advocated an extension of the right of suffrage to citizens paying taxes, being householders, and working on the highways, or doing military duty; he expressed his fears that the extension of the elective franchise contemplated by some of the amendments proposed, would not be sanctioned by the public approbation, and would occasion the rejection of the whole by the people. He said, "he was disposed to go as far as any man in the extension of rational liberty; but he could not consent to undervalue this precious privilege so far as to confer it, with an indiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it." By the first constitution of New York, no distinction was made with regard to *color*, in the qualifications of electors. In the convention, a proposition to restrict the right of voting to *white* citizens, was rejected by a majority of four votes. Mr. Van Buren voted with the majority, or in favor of continuing the right of voting to colored citizens; but subsequently supported a proposition, which was adopted, requiring colored voters to possess a freehold estate of the value of two hundred and fifty dollars. Mr. Van Buren opposed the election of justices of the peace by the people, and the convention adopted a plan proposed by him, by which the executive of the state, through the judges of the county courts, controlled those appointments. This plan only continued in operation about four years, when the constitution was amended, giving the choice of justices to the people. The proposition which was adopted by the convention to reorganize the judiciary of the state, and sanctioned by the party with which he acted, was opposed by Mr. Van Buren, the only effect of it being to displace the judges then in office. On the whole, it may be remarked, that his course in the convention to revise the constitution, was considered honorable to him as a stateman, and, with few exceptions, was approved by candid men of all parties.

In December, 1821, Mr. Van Buren took his seat in the senate of the United States, his colleague from New York at this time being the Honorable Rufus King. On his first appearance in the senate, he was placed on the committee of finance, and on the committee on the judiciary. He took an active part in debate on most of the important subjects which were agitated in that branch of Congress during his senatorial career. He supported Colonel Johnson's efforts to abolish imprisonment for debt on actions in the United States courts. He proposed amendments to the judiciary system of the United States, and advocated a bankrupt law, to include corporations as well as persons. With regard to the public lands, he was in favor of a proposition to vest the lands in the states in which they were situated on "some just and equitable terms."

When the question of a successor to Mr. Monroe for the presidency was agitated, Mr. Van Buren took an early and decided part in favor of Mr. Crawford, whose election he labored to bring about by the aid of

party machinery and discipline, particularly the system of regular nominations, as established in the state of New York, and had been practised by the democratic party in previous nominations of president and vice-president, by a caucus of members of Congress. The congressional caucus which nominated Mr. Crawford, in February, 1824, proved a signal failure, as it was attended by only about one fourth of the whole number of the members of Congress. In the state of New York, where the friends of Mr. Van Buren had defeated a law proposed to provide for the choice of presidential electors by the people, and retained the choice in the legislature, Mr. Crawford only obtained five of the thirty-six electoral votes of the state. The election of president devolved on the house of representatives, and Mr. Adams was elected on the first ballot, receiving the vote of New York, although the friends of Mr. Van Buren adhered to Mr. Crawford.

In the gubernatorial election in the state of New York, in 1824, the party which acted with Mr. Van Buren met with a decisive defeat, and De Witt Clinton was elected governor. The next year, however, the party recovered its power in the state; but Mr. Clinton was re-elected in 1826, and continued in office until his death, in February, 1828.

Mr. Van Buren took an active part in the opposition which was organized against the administration of Mr. Adams immediately after his election to the presidency. He opposed the mission to Panama, and most of the bills for internal improvement. His personal feelings were adverse to a high tariff of duties for protection, but as his constituents were generally in favor of protective duties, he voted for the tariff laws of 1824 and 1828.

In February, 1827, Mr. Van Buren was re-elected to the United States senate for another term of six years, by the legislature of New York. Circumstances, however, soon occurred to cause his resignation. He was zealous and active in sustaining General Jackson for the presidency in opposition to Mr. Adams, in 1828. Governor Clinton, who was also favorable to the election of Jackson, died suddenly, in February, 1828. This event induced the political friends of Mr. Van Buren to nominate him for governor of the state, to succeed Mr. Clinton, and he was elected to that office in November, 1828.

Having resigned his seat in the senate of the United States, Mr. Van Buren entered upon the duties of the office of governor, January 1, 1829. His message to the legislature was remarkable for the attention bestowed upon banks and the currency. On the 20th of January, in a brief message, he introduced to the legislature the celebrated safety-fund system. This plan originated with the Hon. Joshua Forman, and was by him laid before Mr. Van Buren. It was somewhat modified by the suggestion of the latter, and finally adopted by the legislature. The safety-fund system combined the moneyed interests of the state in a league of mutual depend-

ence, but the experience of a few years proved its inadequacy to answer public expectation.

Mr. Van Buren remained but a short time in the chief magistracy of his native state. On the 12th of March, 1829, he resigned the office of governor, in consequence of his appointment as secretary of state of the United States. Of this appointment, General Jackson (who was said to have intended to have offered it to Governor Clinton, had he lived) said, in his letter to the democratic members of the legislature of New York, in February, 1832: "In calling him [Mr. Van Buren] to the department of state, from the exalted station he then occupied, I was not influenced more by his acknowledged talents and public services, than by the general wish of the republican party throughout the Union."

Of Mr. Van Buren's course as secretary of state we have already taken notice, in our account of General Jackson's administration. The causes of the dissolution of the cabinet have also been stated. In June, 1831, Mr. Van Buren retired from the office of secretary of state, and was immediately appointed by the president minister to Great Britain. He arrived in London in September, 1831, and was received with distinguished favor at the court of St. James.

Soon after the meeting of Congress, the president submitted the nomination of Mr. Van Buren to the senate. He was rejected by that body, in consequence of their disapproval of the instructions which he issued, while secretary of state, to Mr. M'Lane, our minister to England, in reference to the West India trade.

The democratic party condemned the rejection of Mr. Van Buren as an act of political persecution, and vindicated the propriety of his course. The democratic members of the legislature of New York addressed a letter to the president, expressing their indignation at what they deemed a proscriptive act of the senate, and their high respect for the public and private character of Mr. Van Buren. The president, in reply, assumed the entire responsibility of the instructions condemned by the senate; declared they were "the result of his own deliberate investigation and reflection, and still appeared to him to be entirely proper and consonant to his public duty."

On the 22d of May, 1832, Mr. Van Buren was nominated as a candidate for vice-president, by a national democratic convention assembled at Baltimore, and at the same time with the renomination of General Jackson for president. The result was the triumphant election of both to the respective offices to which they were nominated, Mr. Van Buren receiving the same number of electoral votes as General Jackson, with the exception of those of Pennsylvania, the democracy of which state refused to give him their vote; and it was given to William Wilkins, of that state.

Mr. Van Buren returned from England to triumph over his political opponents, by being elevated to the second office in the government. He

was inaugurated as vice-president on the 4th of March, 1833, and presided over the senate for four years, when in session; during which he had the good fortune to escape the censure of all parties. In 1833 he accompanied General Jackson in his tour to the eastern states.

To secure the support of the democratic party as a candidate for the presidency, as successor to General Jackson, whose favor and good wishes he already possessed, Mr. Van Buren seems to have relied upon an avowal of hostility to a national bank, and on a national convention for the nomination of president and vice-president. Accordingly, we find him giving as a sentiment, at a public entertainment, "Uncompromising hostility to the United States bank; the honor and interest of the country require it;" which toast was adopted as a motto, by the democratic party. We also find the most strenuous efforts made to reconcile Pennsylvania to a national nominating convention, which efforts were finally successful.

On the 20th of May, 1835, the Jackson democratic convention met at Baltimore, for the nomination of a candidate to succeed General Jackson as president, also a vice-president of the United States. About 600 delegates were in attendance; and as all were selected as friends of Mr. Van Buren, he received the unanimous vote of the convention, for president. Colonel Richard M. Johnson, of Kentucky, was nominated for vice-president. These nominations, it was well understood, received the express approbation of General Jackson, and the influence of the administration was, of course, exercised in favor of the election of these candidates.

The result of the vote by the electoral colleges was 170 for Mr. Van Buren, including Michigan (3), which was informal, and 124 for all other candidates. There was no choice of vice-president by the people, in consequence of the state of Virginia refusing to vote for Colonel Johnson. He received 147 electoral votes, including Michigan, and there were 147 for all other candidates. Colonel Johnson was, thereupon, elected by the senate, agreeably to the constitution.

Mr. Van Buren was inaugurated as president, on the fourth of March, 1837. The history of the four years of his administration is given in another place in this volume, to which we refer for this part of his life. In May, 1840, he was nominated for re-election, by a convention of his political friends, but such was the unpopularity of his measures as chief magistrate of the nation, that the election of 1840 resulted in the total defeat of Mr. Van Buren and the party with which he was connected, and the triumphant success of the whig candidates, General Harrison and Mr. Tyler, to the presidency and vice-presidency. The electoral votes for Harrison were 234—for Van Buren 60.

General Harrison succeeded Mr. Van Buren, as president, on the 4th of March, 1841; soon after which the ex-president left Washington for his seat at Kinderhook, Columbia county, New York, near the Hudson river, to which retreat he gave the name of "Lindenwold." He attended on the

occasion of the funeral honors which were paid to General Harrison in the city of New York, in 1841.

Having acquired, during an active professional and political life, a large fortune, Mr. Van Buren retired to his estate before mentioned, to enjoy the possession of his wealth, and retaining the confidence of the large and powerful party of his countrymen which had sustained him. His friends, however, were not willing that he should rest under the political sentence which had been pronounced against him, as they deemed, under fortuitous circumstances. It was argued that, as an act of justice to him, he should be elected for another term to the presidency, to place him in history along side of Jefferson, Madison, Monroe, and Jackson, who were considered as the four democratic presidents, each of whom had been honored with a second term in the presidential chair. The most strenuous efforts, therefore, were made to effect the nomination of Mr. Van Buren for the presidency, in 1844; and when the democratic national convention met to nominate a president, in May of that year, there was an apparent majority of his friends in that body. But a new element was introduced into the political canvass for the presidency, by the democratic party, namely, the annexation of Texas to the United States. To that measure Mr. Van Buren had expressed himself adverse, in some particulars, in a letter to a southern gentleman, which was published previous to the meeting of the convention. Some of his friends regretted that he had not inserted a clause in his letter which, looking to the certain extension of the limits of the republic, would have been satisfactory to the democrats of the south. After protracted ballottings, it was found that Mr. Van Buren could not obtain the vote of two thirds of the delegates to the convention, as required by their rules. His name was therefore withdrawn, and James K. Polk, of Tennessee, received the nomination for president.

In the nomination of Mr. Polk, Mr. Van Buren cordially acquiesced, and urged upon his political friends the propriety and importance of sustaining the same in good faith. By the efforts of the democrats of New York, the election of Mr. Polk was effected, the popular majority in that important state, which turned the scale in favor of the democratic candidates, being but about one per cent. on the whole number of votes.

In our sketch of the administration of President Polk, we have mentioned the nomination of Mr. Van Buren for the presidency of the United States, by the "free-soil party," in the summer of 1848. The candidates of that party were unsuccessful; and since that time, Mr. Van Buren has remained in private life, and has spent most of his time upon his estate of Lindenwold. In the spring of 1853, he visited Europe with a son who was in rapidly-declining health. He travelled in England, Ireland, and Scotland; and, on the continent, in France, Germany, Holland, Italy, Switzerland, Belgium, the Tyrol, etc. He returned in July, 1855. He was the first of our chief magistrates who had visited the eastern hemi-

sphere after their term of office expired, and he everywhere received those marks of attention and respect to which the exalted position he had held entitled him.

We conclude this brief memoir of Mr. Van Buren with the following notice of his personal appearance and character, from his life, by Professor Holland, written, of course, with all the partiality of friendship:—

"In personal appearance, Mr. Van Buren is about the middle size; his form is erect (and formerly slender, but now inclining to corpulence), and is said to be capable of great endurance. His hair and eyes are light, his features animated and expressive, especially the eye, which is indicative of quick apprehension and close observation; his forehead exhibits, in its depth and expansion, the marks of great intellectual power. The physiognomist would accord to him penetration, quickness of apprehension, and benevolence of disposition. The phrenologist would add unusual reflective faculties, firmness, and caution.

"The private character of Mr. Van Buren is above all censure or suspicion. In the relations of father and son, of husband, brother, and friend, he has always displayed those excellencies of character and feeling which adorn human nature. Extending our view to the larger circle of his personal friends, rarely has any man won a stronger hold upon the confidence and affection of those with whom he has been connected. The purity of his motives, his integrity of character, and the steadiness of his attachments, have always retained for him the warm affection of many, even among the ranks of his political opponents.

"The ease and frankness of his manners, his felicitous powers of conversation, and the general amiableness of his feelings, render him the ornament of the social circle. Uniting in his character, firmness and forbearance; habitual self-respect and a delicate regard for the feelings of others; neither the perplexities of legal practice, nor the cares of public life, nor the annoyance of party strife, have ever been able to disturb the serenity of his temper, or to derange for a moment the equanimity of his deportment. He has with equal propriety mingled in the free intercourse of private life, and sustained the dignity of official station."

VAN BUREN'S

ADDRESSES AND MESSAGES

INAUGURAL ADDRESS.

MARCH 4, 1837.

Fellow-Citizens:—

THE practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example, I tread in the footsteps of illustrious men, whose superiors it is our happiness to believe are not found on the executive calendar of any country. Among them we recognise the earliest and firmest pillars of the republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle; and those whose expanded intellect and patriotism constructed, improved, and perfected, the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance! Unlike all who have preceded me, the revolution that gave us existence as one people was achieved at the period of my birth; and while I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the government; did I not repose with unwavering reliance on the patriotism, the intelligence, and the kindness of a people who never yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate

condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect, and, with scarcely an exception, the friendship of every nation; at home, while our government quietly but efficiently performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy! All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing if we fail sacredly to uphold those political institutions that were wisely and deliberately formed, with reference to every circumstance that could preserve, or might endanger, the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity; but they saw also that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and in some existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller states might entertain of the power of the rest were allayed by a rule of representation confessedly unequal at the time, and designed for ever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the states was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along; but on our institutions it has left no injurious mark. From a small community, we have risen to a people powerful in numbers and in strength; but, with our increase, has gone hand in hand the progress of just principles; the privileges, civil and religious, of the humblest individual are sacredly protected at home; and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest

nations; the value and even nature of the productions have been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country: yet the spirit of mutual regard and of faithful adherence to existing compacts, has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful lesson: that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances, and the vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is, in itself, sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof, that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago, its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fear of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the revolution, was supposed to warrant a belief that the people would not bear the taxation requisite to the discharge of an immense public debt already incurred, and to defray the necessary expenses of the government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new government, when all felt the imposing influence, as they recognised the unequalled services of the first president, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our government together, and save us from the violence of contending factions. Since his death, nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American states. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribu-

nals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than any other of equal population on the globe; and with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the great landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in governments differently formed, they overlooked the far more important consideration, that, with us, war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice; who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our government; and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it, but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of states, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; and effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits, too apparent ever to be overlooked.

In justly balancing the powers of the federal and state authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government, so complex in construction, could remain uninjured. From time to time embarrassments have certainly

occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed! Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the federal government has successfully performed its appropriate functions in relation to foreign affairs, and concerns evidently national, that of every state has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much toward one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course; it is evidence not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included?

Amid the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen, in this high place of honor and of trust, I can not refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding states; and also with a determination equally decided to resist the slightest interference with it in the states where it exists." I submitted also to my fellow-citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our government, are again destined to be disappointed.

Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people nor sections of the country have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but, with each, the object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits, that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this? We look back on obstacles avoided, and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character, and spirit, in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed; remembering that it was throughout a work of concession and compromise; viewing it as limited to national objects; regarding it as leaving to the people and the states all power not explicitly parted with, I shall endeavor to preserve, protect, and defend it, by anxiously referring to its provisions for direction in every action. To matters of domestic concernment which it has intrusted to the federal government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with the utmost ability.

Our course of foreign policy has been so uniform and intelligible, as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience, and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever

willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them in their actual state, as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights, without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I can not expect to perform the arduous task with equal ability and success. But united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all, that he may yet long live to enjoy the brilliant evening of his well-spent life; and for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justness and its kindness. Beyond that, I only look to the gracious protection of the Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of his providence to bless our beloved country with honors and with length of days: may her ways be ways of pleasantness, and all her paths be peace!

MESSAGE.—SPECIAL SESSION.

September 4, 1837.

Fellow-Citizens of the Senate and House of Representatives:—

The act of the 23d of June, 1836, regulating the deposites of the public money, and directing the employment of state, district, and territorial banks for that purpose, made it the duty of the secretary of the treasury to discontinue the use of such of them as should at any time refuse to redeem their notes in specie, and to substitute other banks, provided a sufficient number could be obtained to receive the public deposites upon the terms and conditions therein prescribed. The general and almost simultaneous suspension of specie payments by the banks in May last, rendered the performance of this duty imperative, in respect to those which had been selected under the act; and made it, at the same time, impracticable to employ the

requisite number of others, upon the prescribed conditions. The specific regulations established by Congress for the deposite and safekeeping of the public moneys, having thus unexpectedly become inoperative, I felt it to be my duty to afford you an early opportunity for the exercise of your supervisory powers over the subject.

I was also led to apprehend that the suspension of specie payments, increasing the embarrassments before existing in the pecuniary affairs of the country, would so far diminish the public revenue, that the accruing receipts into the treasury would not, with the reserved five millions, be sufficient to defray the unavoidable expenses of the government, until the usual period for the meeting of Congress; while the authority to call upon the states for a portion of the sums deposited with them was too restricted to enable the department to realize a sufficient amount from that source. These apprehensions have been justified by subsequent results, which render it certain that this deficiency will occur, if additional means be not provided by Congress.

The difficulties experienced by the mercantile interest in meeting their engagements, induced them to apply to me, previously to the actual suspension of specie payments, for indulgence upon their bonds for duties, and all the relief authorized by law was promptly and cheerfully granted. The dependence of the treasury upon the avails of these bonds to enable it to make the deposites with the states required by law, led me in the outset to limit this indulgence to the first of September, but it has since been extended to the first of October, that the matter might be submitted to your further direction.

Questions were also expected to arise, in the recess, in respect to the October instalment of those deposites, requiring the interposition of Congress.

A provision of another act, passed about the same time, and intended to secure a faithful compliance with the obligation of the United States, to satisfy all demands upon them in specie or its equivalent, prohibiting the offer of any bank-note, not convertible on the spot into gold or silver at the will of the holder; and the ability of the government, with millions on deposite, to meet its engagements in the manner thus required by law, was rendered very doubtful by the event to which I have referred.

Sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service, before the regular period of your meeting; and desirous also to enable you to exercise at the earliest moment, your full constitutional powers for the relief of the country, I could not with propriety avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings, in believing that this inconvenience will be cheerfully encountered, in the hope of rendering your meeting conducive to the good of the country.

During the earlier stages of the revulsion through which we have just passed, much acrimonious discussion arose, and great diversity of opinion existed, as to its real causes. This was not surprising. The operations of credit are so diversified, and the influences which affect them so numerous, and often so subtle, that even impartial and well informed persons are seldom found to agree in respect to them. To inherent difficulties were also added other tendencies, which were by no means favorable to the discovery of truth. It was hardly to be expected that those who dis-

approved the policy of the government in relation to the currency would, in the excited state of public feeling produced by that occasion, fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party: opinions were more or less affected by political considerations; and differences were prolonged which might otherwise have been determined by an appeal to facts, by the exercise of reason, or by mutual concession. It is, however, a cheering reflection, that circumstances of this nature can not prevent a community so intelligent as ours from ultimately arriving at correct conclusions. Encouraged by the firm belief of this truth, I proceed to state my views, so far as may be necessary to a clear understanding of the remedies I feel it my duty to propose, and of the reasons by which I have been led to recommend them.

The history of trade in the United States, for the last three or four years, affords the most convincing evidence that our present condition is chiefly to be attributed to over-action in all the departments of business; an over-action deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit. At the commencement of the year 1834, the banking capital of the United States, including that of the national bank, then existing, amounted to about two hundred millions of dollars; the bank-notes then in circulation to about ninety-five millions; and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions, and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit, acquired by means of foreign loans, contracted by the states and state institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants.

The consequences of this redundancy of credit, and of the spirit of reckless speculation engendered by it, were a foreign debt contracted by our citizens, estimated, in March last, at more than thirty millions of dollars; the extension to traders in the interior of our country of credits for supplies, greatly beyond the wants of the people; the investment of thirty-nine and a half millions of dollars in unproductive public lands, in the years 1835 and 1836, while in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing or anticipated cities and villages, equally unproductive, and at prices now seen to have been greatly disproportionate to their real value; the expenditure of immense sums in improvements, which in many cases have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe—an expenditure which amounted, in 1834, to about two hundred and fifty thousand dollars—was in the first two quarters of the present year increased to more than two millions of dollars; and finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits founded too often on merely fancied wealth,

and detrimental alike to the industry, the resources, and the morals of the people.

It was so impossible that such a state of things could long continue, that the prospect of revulsion was present to the minds of considerate men before it actually came. None, however, had correctly anticipated its severity. A concurrence of circumstances, inadequate of themselves to produce such wide-spread and calamitous embarrassments, tended so greatly to aggravate them, that they can not be overlooked in considering their history. Among these may be mentioned, as most prominent, the great loss of capital sustained by our commercial emporium in the fire of December, 1835—a loss, the effects of which were underrated at the time, because postponed for a season by the great facilities of credit then existing; the disturbing effects, in our commercial cities, of the transfers of the public moneys, required by the deposite law of June, 1836; and the measures adopted by the foreign creditors of our merchants, to reduce their debts, and to withdraw from the United States a large portion of our specie.

However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made, and the actual condition of other commercial countries, must, as it seems to me, dispel all remaining doubts upon the subject. It has since appeared that evils similar to those suffered by ourselves, have been experienced in Great Britain, on the continent, and, indeed, throughout the commercial world; and that in other countries, as well as our own, they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansion of the system of credit. A reference to the amount of banking capital, and the issues of paper credits put in circulation in Great Britain, by banks and in other ways, during the years 1835 and 1836, will show an augmentation of the paper currency there, as much disproportioned to the real wants of trade as in the United States. With this redundancy of the paper currency, there arose in that country also a spirit of adventurous speculation embracing the whole range of human enterprise. Aid was profusely given to projected improvements; large investments were made in foreign stocks and loans; credits for goods were granted with unbounded liberality to merchants in foreign countries; and all the means of acquiring and employing credit were put in active operation and extended in their effects to every department of business, and to every quarter of the globe. The reaction was proportioned in its violence to the extraordinary character of the events which preceded it. The commercial community of Great Britain were subjected to the greatest difficulties, and their debtors in this country were not only suddenly deprived of accustomed and expected credits, but called upon for payments which, in the actual posture of things here, could only be made through a general pressure and at the most ruinous sacrifices.

In view of these facts, it would seem impossible for inquirers after truth to resist the conviction, that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, and maintaining with each other the closest relations, are suddenly, in a time of profound peace, and without any great national disaster, arrested in their career, and plunged into a state of embarrassment and distress.—In both countries we have witnessed the same redundancy of paper money,

and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe. The most material difference between the results in the two countries has only been, that with us there has only occurred an extensive derangement in the fiscal affairs of the federal government, occasioned by the suspension of the specie payments by the banks.

The history of these causes and effects in Great Britain and the United States is substantially the history of the revulsion in all other countries.

The present and visible effects of these circumstances on the operations of the government, and on the industry of the people, point out the objects which call for your immediate attention.

They are, to regulate by law the safekeeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the government; to enable the treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories, and to devise and adopt such future measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country.

For the deposite, transfer, and disbursement of the revenue, national and state banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal concerns of the government from those of individuals or corporations.

Again to create a national bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed; and I can not concur with those who think they see in recent events a proof that these sentiments are, or a reason that they should be, changed.

Events, similar in their origin and character, have heretofore frequently occurred without producing any such change; and the lessons of experience must be forgotten, if we suppose that the present overthrow of credit would have been prevented by the existence of a national bank. Proneness to excessive issues has ever been the vice of the banking system—a vice as prominent in national as in state institutions. This propensity is as subservient to the advancement of private interests in the one as in the other; and those who direct them both, being principally guided by the same views, and influenced by the same motives, will be equally ready to stimulate extravagance of enterprise by improvidence of credit. How strikingly is this conclusion sustained by experience! The bank of the United States, with the vast powers conferred on it by Congress, did not or could not prevent former and similar embarrassments; nor has the still greater power it has been said to possess under its present charter enabled it, in the existing emergency, to check other institutions, or even to save itself. In Great Britain, where, it has been seen, the same causes have been attended with the same effects, a national bank, possessing powers far greater than are asked for by the warmest advocates of such an institu-

tion here, has also proved unable to prevent an undue expansion of credit and the evils that flow from it. Nor can I find any tenable ground for the re-establishment of a national bank, in the derangement alleged at present to exist in the domestic exchanges of the country, or in the facilities it may be capable of affording them. Although advantages of this sort were anticipated when the first bank of the United States was created, they were regarded as an incidental accommodation; not one which the federal government was bound or could be called upon to furnish. This accommodation is now, indeed, after the lapse of many years, demanded from it as among its first duties; and an omission to aid and regulate commercial exchange is treated as a ground of loud and serious complaint. Such results only serve to exemplify the constant desire among some of our citizens to enlarge the powers of the government, and extend its control to subjects with which it should not interfere. They can never justify the creation of an institution to promote such objects. On the contrary, they justly excite among the community a more diligent inquiry into the character of those operations of trade toward which it is desired to extend such peculiar favors.

The various transactions that bear the name of domestic exchanges, differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange, drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade, and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange, not drawn to transfer actual capital, nor on the credit of property transmitted, but to create fictitious capital, partaking at once of the character of notes discounted in bank, and of bank-notes in circulation, and swelling the mass of paper credits to a vast extent in a most objectionable manner. These bills have formed, for the last few years, a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit, and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the government and the people.

In transferring its funds from place to place, the government is on the same footing with the private citizen, and may resort to the same legal means. It may do so through the medium of bills drawn by itself, or purchased from others; and in these operations it may, in a manner undoubtedly constitutional and legitimate, facilitate and assist exchanges of individuals, founded on real transactions of trade. The extent to which this may be done, and the best means of effecting it, are entitled to the fullest consideration. This has been bestowed by the secretary of the treasury, and his views will be submitted to you in his report.

But it was not designed by the constitution that the government should assume the management of domestic or foreign exchanges. It is indeed authorized to regulate by law the commerce between the states, and to provide a general standard of value, or medium of exchange, in gold and silver; but it is not its province to aid individuals in the transfer of their funds, otherwise than through the facilities afforded by the postoffice department. As justly might it be called on to provide for the transportation of their merchandise. These are operations of trade. They ought to be conducted by those who are interested in them, in the same manner that

the incidental difficulties of other pursuits are encountered by other classes of citizens. Such aid has not been deemed necessary in other countries. Throughout Europe, the domestic as well as the foreign exchanges are carried on by private houses, often, if not generally, without the assistance of banks. Yet they extend throughout distinct sovereignties, and far exceed in amount the real exchanges of the United States. There is no reason why our own may not be conducted in the same manner with equal cheapness and safety. Certainly this might be accomplished if it were favored by those most deeply interested; and few can doubt that their own interest, as well as the general welfare of the country, would be promoted by leaving such a subject in the hands of those to whom it properly belongs. A system founded on private interest, enterprise, and competition, without the aid of legislative grants or regulations by law, would rapidly prosper: it would be free from the influence of political agitation, and extend the same exemption to trade itself; and it would put an end to those complaints of neglect, partiality, injustice, and oppression, which are the unavoidable results of interference by the government in the proper concerns of individuals. All former attempts on the part of the government to carry its legislation in this respect further than was designed by the constitution, have, in the end, proved injurious, and have served only to convince the great body of the people, more and more, of the certain dangers of blending private interests with the operations of public business; and there is no reason to suppose that a repetition of them now would be more successful.

It can not be concealed that there exist in our community opinions and feelings on this subject in direct opposition to each other. A large portion of them, combining great intelligence, activity, and influence, are no doubt sincere in their belief that the operations of trade ought to be assisted by such a connexion; they regard a national bank as necessary for this purpose, and they are disinclined to every measure that does not tend, sooner or later, to the establishment of such an institution. On the other hand, a majority of the people are believed to be irreconcilably opposed to that measure; they consider such a concentration of power dangerous to their liberties; and many of them regard it as a violation of the constitution. This collision of opinion has doubtless caused much of the embarrassment to which the commercial transactions of the country have lately been exposed. Banking has become a political topic of the highest interest, and trade has suffered in the conflict of parties. A speedy termination of this state of things, however desirable, is scarcely to be expected. We have seen for nearly half a century that those who advocate a national bank, by whatever motive they may be influenced, constitute a portion of our community too numerous to allow us to hope for an early abandonment of their favorite plan. On the other hand, they must indeed form an erroneous estimate of the intelligence and temper of the American people, who suppose that they have continued on slight or insufficient grounds their persevering opposition to such an institution; or that they can be induced by pecuniary pressure, or by any other combination of circumstances, to surrender principles they have so long and so inflexibly maintained.

My own views of the subject are unchanged. They have been repeatedly and unreservably announced to my fellow-citizens, who, with full knowledge of them, conferred upon me the two highest offices of the government. On the last of these occasions, I felt it due to the people to apprize them distinctly that, in the event of my election, I would not be

able to co-operate in the re-establishment of a national bank. To these sentiments I have now only to add the expression of an increased conviction, that the re-establishment of such a bank, in any form, while it would not accomplish the beneficial purposes promised by its advocates, would impair the rightful supremacy of the popular will, injure the character and diminish the influence of our political system, and bring once more into existence a concentrated moneyed power, hostile to the spirit, and threatening the permanency, of our republican institutions.

Local banks have been employed for the deposite and distribution of the revenue, at all times partially, and on three different occasions exclusively: first, anterior to the establishment of the first bank of the United States; secondly, in the interval between the termination of that institution and the charter of its successor; and thirdly, during the limited period which has now so abruptly closed. The connexion thus repeatedly attempted, proved unsatisfactory on each successive occasion, notwithstanding the various measures which were adopted to facilitate or insure its success. On the last occasion, in the year 1833, the employment of the state banks was guarded especially in every way which experience and caution could suggest. Personal security was required for the safe-keeping and prompt payment of the moneys to be received, and full returns of their condition were from time to time to be made by the depositories. In the first stages, the measure was eminently successful, notwithstanding the violent opposition of the bank of the United States, and the unceasing efforts made to overthrow it. The selected banks performed with fidelity and without any embarrassment to themselves or to the community, their engagements to the government, and the system promised to be permanently useful. But when it became necessary, under the act of June, 1836, to withdraw from them the public money for the purpose of placing it in additional institutions, or of transferring it to the states, they found it in many cases inconvenient to comply with the demands of the treasury, and numerous and pressing invitations were made for indulgence or relief. As the instalments under the deposite law became payable, their own embarrassments, and the necessity under which they lay of curtailing their discounts and calling in their debts, increased the general distress, and contributed, with other causes, to hasten the revulsion in which at length they, in common with the other banks, were fatally involved.

Under these circumstances, it becomes our solemn duty to inquire whether there are not, in any connexion between the government and the banks of issue, evils of great magnitude, inherent in their very nature, and against which no precautions can effectually guard.

Unforeseen in the organization of the government, and forced on the treasury by early necessities, the practice of employing banks was, in truth, from the beginning, more a measure of emergency than of sound policy. When we started into existence as a nation, in addition to the burdens of the new government, we assumed all the large but honorable load of debt which was the price of our liberty; but we hesitated to weigh down the infant industry of the country by resorting to adequate taxation for the necessary revenue. The facilities of banks, in return for the privileges they acquired, were promptly offered, and perhaps too readily received by an embarrassed treasury. During the long continuance of a national debt, and the intervening difficulties of a foreign war, the connexion was continued from motives of convenience; but these causes have long since passed away. We have no emergencies that make banks

necessary to aid the wants of the treasury, we have no load of national debt to provide for, and we have on actual deposite a large surplus. No public interest, therefore, now requires the renewal of a connexion that circumstances have dissolved. The complete organization of our government, the abundance of our resources, the general harmony which prevails between the different states and with foreign powers, all enable us now to select the system most consistent with the constitution, and most conducive to the public welfare. Should we, then, connect the treasury for a fourth time with the local banks, it can only be under a conviction that past failures have arisen from accidental, not inherent defects.

A danger, difficult if not impossible to be avoided, in such an arrangement, is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people, deprives the treasury, without fault or agency of the government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced, if the public revenue had been collected in the legal currency, and kept in that form by the officers of the treasury. The citizen whose money was in bank receives it back, since the suspension, at a sacrifice in its amount; while he who kept it in the legal currency of the country, and in his own possession, pursues without loss the current of his business. The government, placed in the situation of the former, is involved in embarrassments it could not have suffered, had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and, by so doing, take from the government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can, in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people, in the manner and for the objects they have directed, can not be wise; but who can think, without painful reflection, that under it the same unforeseen events might have befallen us in the midst of a war, and taken from us, at the moment when most wanted, the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this government be always exposed, while it takes the moneys raised for, and necessary to, the public service, out of the hands of its own officers, and converts them into a mere right of action against corporations intrusted with the possession of them. Nor can such results be effectually guarded against in such a system, without investing the executive with a control over the banks themselves, whether state or national, that might with reason be objected to. Ours is probably the only government in the world that is liable, in the management of its fiscal concerns, to occurrences like these. But this immense risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is to aid the treasury, its effect may be to introduce into the operations of the government, influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the government from the commencement of this connexion. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund, on which discounts are made for the profit of those

who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control be trusted to Congress or to the executive, either will be subjected to appeals made in every form which the sagacity of interest can suggest. The banks, under such a system, are stimulated to make the most of their fortunate acquisition; the deposites are treated as an increase of capital; loans and circulations are rashly augmented, and when the public exigencies require a return, it is attended with embarrassments not provided for nor foreseen. Thus banks that thought themselves most fortunate when the public funds were received, find themselves most embarrassed when the season of payment suddenly arrives.

Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise, and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the operations of the late deposite system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases greatly checked, but could not altogether prevent the evil. Specie was indeed more difficult to be procured than the notes which the banks themselves could create at pleasure; but still being obtained from them as a loan, and returned as a deposite, which they were again at liberty to use, it only passed round the circle with diminished speed. This operation could not have been performed, had the funds of the government gone into the treasury, to be regularly disbursed, and not into the banks, to be loaned out for their own profit, while they were permitted to substitute for it a credit in account.

In expressing these sentiments, I desire not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit, and an honorable incentive to further acquisition. None oppose it who love their country and understand its welfare. But when it is unduly encouraged—when it is made to inflame the public mind with the temptations of sudden and unsubstantial wealth—when it turns industry into paths that lead sooner or later to disappointment and distress—it becomes liable to censure, and needs correction. Far from helping probity and industry, the ruin to which it leads falls most severely on the great laboring classes, who are thrown suddenly out of employment, and by the failure of magnificent schemes, never intended to enrich them, are deprived in a moment of their only resource. Abuses of credit, and excess in speculation, will happen in despite of the most salutary laws; no government, perhaps, can altogether prevent them; but surely every government can refrain from contributing the stimulus that calls them into life.

Since, therefore, experience has shown, that to lend the public money to the local banks, is hazardous to the operations of the government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom again to renew the connexion?

It is true that such an agency is in many respects convenient to the treasury, but it is not indispensable. A limitation of the expenses of the government to its actual wants, and of the revenue to those expenses, with convenient means for its prompt application to the purposes for which it was raised, are the objects which we should seek to accomplish. The

collection, safekeeping, transfer, and disbursements of the public money can, it is believed, be well managed by officers of the government. Its collection, and, to a great extent, its disbursements also, have indeed been hitherto conducted solely by them; neither national nor state banks, when employed, being required to do more than keep it safely while in their custody, and transfer and pay it in such portions and at such time as the treasury shall direct.

Surely banks are not more able than the government to secure the money in their possession against accident, violence, or fraud. The assertion that they are so, must assume that a vault in a bank is stronger than a vault in the treasury; and that directors, cashiers, and clerks, not selected by the government, not under its control, are more worthy of confidence than officers selected from the people and responsible to the government—officers bound by official oaths and bonds for a faithful performance of their duties, and constantly subject to the supervision of Congress.

The difficulties of transfer, and the aid heretofore rendered by banks, have been less than is usually supposed. The actual accounts show that by far the larger portion of payments is made within short or convenient distances from the places of collection; and the whole number of warrants issued at the treasury in the year 1834—a year, the result of which will, it is believed, afford a safe test for the future—fell short of five thousand, on an average of less than one, daily, for each state; in the city of New York they did not average more than two a day, and at the city of Washington only four.

The difficulties heretofore existing are, moreover, daily lessened by an increase in the cheapness and facility of communication; and it may be asserted with confidence that the necessary transfers, as well as the safekeeping and disbursements of the public moneys, can be with safety and convenience accomplished through the agency of treasury officers. This opinion has been in some degree confirmed by actual experience since the discontinuance of banks as fiscal agents in May last; a period which, from the embarrassments in commercial intercourse, presented obstacles as great as any that may be hereafter apprehended.

The manner of keeping the public money since that period is fully stated in the report of the secretary of the treasury. That officer also suggests the propriety of assigning, by law, certain additional duties of existing establishments and officers, which, with the modifications and safeguards referred to by him, will, he thinks, enable the department to continue to perform this branch of the public service, without any material addition either to their number or to the present expense. The extent of the business to be transacted has already been stated; and in respect to the amount of money with which the officers employed would be intrusted at any one time, it appears that, assuming a balance of five millions to be at all times kept in the treasury, and the whole of it left in the hands of the collectors and receivers, the proportion of each would not exceed an average of thirty thousand dollars; but that, deducting one million for the use of the mint, and assuming the remaining four millions to be in the hands of one half of the present number of officers—a supposition deemed more likely to correspond with the fact—the sum in the hands of each would still be less than the amount of most of the bonds now taken from the receivers of public money. Every apprehension, however, on the subject, either in respect to the safety of the money or the faithful discharge of these fiscal

transactions, may, it appears to me, be effectually removed by adding to the present means of the treasury, the establishment by law, at a few important points, of offices for the deposite and disbursement of such portions of public revenue as can not, with obvious safety and convenience, be left in the possession of the collecting officers until paid over by them to the public creditors. Neither the amounts retained in their hands, nor those deposited in the offices, would, in an ordinary condition of the revenue, be larger, in most cases, than those often under the control of disbursing officers of the army and navy, and might be made entirely safe, by requiring such securities, and exercising such controlling supervision, as Congress may by law prescribe. The principal officers whose appointments would become necessary under this plan, taking the largest number suggested by the secretary of the treasury, would not exceed ten; nor the additional expenses, at the same estimate, sixty thousand dollars a year.

There can be no doubt of the obligation of those who are intrusted with the affairs of government, to conduct them with as little cost to the nation as is consistent with the public interest; and it is for Congress, and ultimately for the people, to decide whether the benefits to be derived from keeping our fiscal concerns apart, and severing the connexion which has hitherto existed between the government and the banks, offer sufficient advantages to justify the necessary expenses. If the object to be accomplished is deemed important to the future welfare of the country, I can not allow myself to believe that the addition to the public expenditure of comparatively so small an amount as will be necessary to effect it will be objected to by the people.

It will be seen by the report of the postmaster-general herewith communicated, that the fiscal affairs of that department have been successfully conducted since May last, upon the principle of dealing only in the legal currency of the United States, and that it needs no legislation to maintain its credit, and facilitate the management of its concerns; the existing laws being, in the opinion of that officer, ample for those objects.

Difficulties will, doubtless, be encountered for a season, and increased services required from the public functionaries; such are usually incident to the commencement of every system, but they will be greatly lessened in the progress of its operations.

The power and influence supposed to be connected with the custody and disbursement of the public money, are topics on which the public mind is naturally, and with great propriety, peculiarly sensitive. Much has been said on them, in reference to the proposed separation of the government from the banking institutions; and surely no one can object to any appeals or animadversions on the subject, which are consistent with the facts, and evince a proper respect for the intelligence of the people. If a chief magistrate may be allowed to speak for himself on such a point, I can truly say, that, to me, nothing would be more acceptable than the withdrawal from the executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue; not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But under our present form of government, the intervention of the executive officers in the custody and

disbursement of the public money seems to be unavoidable ; and before it can be admitted that the influence and power of the executive would be increased by dispensing with the agency of banks, the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases.

The revenue can only be collected by officers appointed by the president, with the advice and consent of the senate. The public moneys in the first instance must, therefore, in all cases, pass through hands selected by the executive. Other officers appointed in the same way, or, as in some cases, by the president alone, must also be intrusted with them when drawn for the purposes of disbursement. It is thus seen that even when banks were employed, the public funds must twice pass through the hands of the executive officers. Besides this, the head of the treasury department, who also holds his office at the pleasure of the president, and some other officers of the same department, must necessarily be invested with more or less power in the selection, continuance, and supervision of the banks that may be employed. The question is then narrowed to the single point whether, in the intermediate stage between the collection and disbursement of the public money, the agency of banks is necessary to avoid a dangerous extension of the patronage and influence of the executive ? But is it clear that the connexion of the executive with powerful moneyed institutions, capable of ministering to the interests of men in points where they are most accessible to corruption, is less liable to abuse than his constitutional agency in the appointment and control of the few public officers required by the proposed plan ? Will the public money, when in their hands, be necessarily exposed to any improper interference on the part of the executive ? May it not be hoped that a prudent fear of public jealousy and disapprobation, in a matter so peculiarly exposed to them, will deter him from any such interference, even if higher motives be found inoperative ? May not Congress so regulate by law the duty of those officers, and subject it to such supervision and publicity, as to prevent the possibility of any serious abuse on the part of the executive ? And is there equal room for such supervision and publicity in a connexion with banks, acting under the shield of corporate immunities, and conducted by persons irresponsible to the government and the people ? It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection, on the score of executive patronage and control, than any bank agency that has been or can be devised.

With these views, I leave to Congress the measures necessary to regulate, in the present emergency, the safekeeping and transfer of the public moneys. In the performance of constitutional duty, I have stated to them, without reserve, the result of my own reflections. The subject is of great importance ; and one on which we can scarcely expect to be as united in sentiment as we are in interest. It deserves a full and free discussion, and can not fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the co-ordinate branches of the government, I can promise a reasonable spirit of co-operation, so far as it can be indulged in, without the surrender of constitutional objections which I believe to be well founded. Any system that may be adopted should be subjected to the fullest legal provision, so as to leave nothing to the executive but what is necessary to the discharge of the duties imposed on him ; and whatever plan may be ultimately established, my

own part shall be so discharged, as to give it a fair trial and the best prospect of success.

The character of the funds to be received and disbursed in the transactions of the government, likewise demands your most careful consideration.

There can be no doubt that those who framed and adopted the constitution, having in immediate view the depreciated paper of the confederacy—of which five hundred dollars in paper were at times only equal to one dollar in coin—intended to prevent the recurrence of similar evils, so far at least as related to the transactions of the new government. They gave to Congress express powers to coin money, and to regulate the value thereof, and of foreign coin; they refused to give it power to establish corporations, the agents then, as now, chiefly employed to create a paper currency; they prohibited the states from making anything but gold and silver a legal tender in payment of debts; and the first Congress directed, by positive law, that the revenue should be received in nothing but gold and silver.

Public exigency at the outset of the government, without direct legislative authority, led to the use of banks as the fiscal aids to the treasury. In admitted deviation from the law, at the same period, and under the same exigency, the secretary of the treasury received their notes in payment of duties. The sole ground on which the practice, thus commenced, was then, or has since been justified, is the certain, immediate, and convenient exchange of such notes for specie. The government did indeed receive the inconvertible notes of state banks during the difficulties of war; and the community submitted without a murmur to the unequal taxation and multiplied evils of which such a course was productive. With the war this indulgence ceased, and the banks were obliged again to redeem their notes in gold and silver. The treasury, in accordance with previous practice, continued to dispense with the currency required by the act of 1789, and took the notes of banks in full confidence of their being paid in specie on demand; and Congress, to guard against the slightest violation of this principle, have declared by law, that if notes are paid in the transactions of the government, it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay.

Of my own duties under the existing laws, when the banks suspended specie payments, I could not doubt. Directions were immediately given to prevent the reception into the treasury of anything but gold and silver, or its equivalent; and every practicable arrangement was made to preserve the public faith, by similar and equivalent payments to the public creditors. The revenue from lands had been for some time substantially so collected, under the order issued by the directions of my predecessor. The effects of that order had been so salutary, and its forecast, in regard to the increasing insecurity of bank-paper, had become so apparent, that even before the catastrophe, I had resolved not to interfere with its operation. Congress is now to decide whether the revenue shall continue to be so collected or not.

The receipts, into the treasury, of bank-notes not redeemed in specie on demand, will not, I presume, be sanctioned. It would destroy, without the excuse of war or public distress, that equality of imposts, and identity of commercial regulation, which lie at the foundation of our confederacy, and would offer to each state a direct temptation to increase its foreign trade by

depreciating the currency received for duties in its ports. Such a proceeding would also in a great degree frustrate the policy, so highly cherished, of infusing into our circulation a large proportion of the precious metals; a policy, the wisdom of which none can doubt, though there may be different opinions as to the extent to which it should be carried. Its results have been already too auspicious, and its success is too closely interwoven with the future prosperity of the country, to permit us for a moment to contemplate its abandonment. We have seen, under its influence, our specie augmented beyond eighty millions; our coinage increased so as to make that of the gold amount, between August, 1834, and December, 1836, to ten millions of dollars; exceeding the whole coinage at the mint during the thirty-one previous years. The prospect of further improvement continued without abatement, until the moment of the suspension of specie payments. This policy has now indeed been suddenly checked, but is still far from being overthrown. Amid all conflicting theories, one position is undeniable: the precious metals will invariably disappear when there ceases to be a necessity for their use as a circulating medium. It was in strict accordance with this truth, that while in the month of May last they were everywhere seen, and were current for all ordinary purposes, they disappeared from circulation the moment the payment of specie was refused by the banks, and the community tacitly agreed to dispense with its employment. Their place was supplied by a currency exclusively of paper, and in many cases of the worst description. Already are the bank-notes now in circulation greatly depreciated, and they fluctuate in value between one place and another: thus diminishing and making uncertain the worth of property and the price of labor, and failing to subserve, except at a heavy loss, the purposes of business. With each succeeding day, the metallic currency decreases: by some it is hoarded, in the natural fear that, once parted with, it can not be replaced; while by others it is diverted from its more legitimate uses for the sake of gain. Should Congress sanction this condition of things by making irredeemable paper money receivable in payment of public dues, a temporary check to a wise and salutary policy will in all probability be converted into its absolute destruction.

It is true that bank-notes, actually convertible into specie, may be received in payment of the revenue without being liable to all these objections, and that such a course may to some extent promote individual convenience; an object always to be considered where it does not conflict with the principles of our government or the general welfare of the country. If such notes only were received, and always under circumstances allowing their early presentation for payment, and if, at short and fixed periods, they were converted into specie, to be kept by the officers of the treasury, some of the most serious obstacles to their reception would perhaps be removed. To retain the notes in the treasury would be to renew, under another form, the loans of public money to the banks, and the evils consequent thereon.

It is, however, a mistaken impression that any large amount of specie is required for public payments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose, provided an accumulation of a large amount of revenue beyond the necessary wants of the government, be hereafter prevented. If to these considerations be added the facilities which will arise from enabling the treasury to satisfy the public creditors by its drafts or

notes received in payment of the public dues, it may be safely assumed that no motive of convenience to the citizen requires the reception of bank paper.

To say that the refusal of paper money by the government introduces an unjust discrimination between the currency received by it, and that used by individuals in their ordinary affairs, is, in my judgment, to view it in a very erroneous light. The constitution prohibits the states from making anything but gold and silver a tender in the payment of debts, and thus secures to every citizen a right to demand payment in the legal currency. To provide by law that the government will only receive its dues in gold and silver, is not to confer on it any peculiar privilege, but merely to place it on an equality with the citizen, by reserving to it a right secured to him by the constitution. It is doubtless for this reason that the principle has been sanctioned by successive laws, from the time of the first Congress under the constitution down to the last. Such precedents, never objected to, and proceeding from such sources, afford a decisive answer to the imputation of inequality or injustice.

But, in fact, the measure is one of restriction, not of favor. To forbid the public agent to receive in payment any other than a certain kind of money, is to refuse him a discretion possessed by every citizen. It may be left to those who have the management of their own transactions, to make their own terms ; but no such discretion should be given to him who acts merely as an agent of the people, who is to collect what the law requires, and to pay the appropriations it makes. When bank-notes are redeemed on demand, there is then no discrimination in reality : for the individual who receives them may, at his option, substitute the specie for them ; he takes them from convenience or choice. When they are not so redeemed, it will scarcely be contended that their receipt and payment by a public officer should be permitted, though none deny that right to an individual ; if it were, the effect would be most injurious to the public, since the officer could make none of those arrangements to meet or guard against the depreciation which an individual is at liberty to do. Nor can inconvenience to the community be alleged as an objection to such a regulation. Its object and motive are their convenience and welfare.

If, at a moment of simultaneous and unexpected suspension by the banks, it adds something to the many embarrassments of that proceeding, yet these are far overbalanced by its direct tendency to produce a wider circulation of gold and silver, to increase the safety of bank paper, to improve the general currency, and thus to prevent altogether such occurrences, and the other and far greater evils that attend them.

It may, indeed, be questioned whether it is not for the interest of the banks themselves that the government should not receive their paper. They would be conducted with more caution, and on sounder principles. By using specie only in its transactions, the government would create a demand for it, which would, to a great extent, prevent its exportation, and by keeping it in circulation, maintain a broader and safer basis for the paper currency. That the banks would thus be rendered more sound, and the community more safe, can not admit of a doubt.

The foregoing views, it seems to me, but fairly carry out the provisions of the federal constitution in relation to the currency, as far as relates to the public revenue. At the time that instrument was framed, there were but three or four banks in the United States ; and had the extension of the banking system, and the evils growing out of it, been foreseen, they

would probably have been specially guarded against. The same policy which led to the prohibition of bills of credit by the states would doubtless, in that event, have also interdicted their issue as a currency in any other form. The constitution, however, contains no such prohibition ; and, since the states have exercised, for nearly half a century, the power to regulate the business of banking, it is not to be expected that it will be abandoned. The whole matter is now under discussion before the proper tribunal—the people of the states. Never before has the public mind been so thoroughly awakened to a proper sense of its importance ; never has the subject in all its bearings been submitted to so searching an inquiry. It would be distrusting the intelligence and virtue of the people, to doubt the speedy and efficient adoption of such measures of reform as the public good demands. All that can rightfully be done by the federal government to promote the accomplishment of that important object will, without doubt, be performed.

In the meantime, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The treasury department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and others. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizens in a way at once equal in all parts of the Union, and fully authorized by the constitution.

The indulgence granted by executive authority in the payment of bonds for duties, has been already mentioned. Seeing that the immediate enforcement of these engagements would subject a large and highly respectable portion of our citizens to great sacrifices, and believing that a temporary postponement could be made without detriment to other interests, and with increased certainty of ultimate payment, I did not hesitate to comply with the request that was made of me. The terms already are, to the full extent, as liberal as any that are to be found in the practice of the executive department. It remains for Congress to decide whether a further postponement may not with propriety be allowed, and if so, their legislation upon the subject is respectfully invited.

The report of the secretary of the treasury will exhibit the condition of these debts ; the extent and effect of the present indulgence ; the probable result of its further extension, of the state of the treasury, and every other fact necessary to a full consideration of the subject. Similar information is communicated in regard to such depositaries of the public moneys as are indebted to the government, in order that Congress may also adopt the proper measures in regard to them.

The receipts and expenditures for the first half of the year, and an estimate of those for the residue, will be laid before you by the secretary of the treasury. In his report of December last, it was estimated that the current receipts would fall short of the expenditures by about three millions of dollars. It will be seen that the difference will be much greater. This is to be attributed, not only to the occurrence of greater pecuniary embarrassments in the business of the country than those which were then predicted, and consequently, a greater diminution in the revenue, but also to the fact that the appropriations exceeded, by nearly six millions, the amount which was asked for in the estimates then submitted. The sum necessary for the service of the year, beyond the probable receipts, and the amount which it was intended should be reserved in the treasury

at the commencement of the year, will be about six millions. If the whole of the reserved balance be not at once applied to the current expenditures, but four millions be still kept in the treasury, as seems most expedient for the uses of the mint, and to meet contingencies, the sum needed will be ten millions.

In making this estimate the receipts are calculated on the supposition of some further extension of the indulgence granted in the payment of bonds for duties, which will affect the amount of the revenue for the present year to the extent of two and a half millions.

It is not proposed to procure the required amount by loans or increased taxation. There are now in the treasury nine millions three hundred and sixty-seven thousand two hundred dollars, directed by the act of the 23d of June, 1836, to be deposited with the states in October next. This sum, if so deposited, will be subject under the law to be recalled, if needed, to defray existing appropriations; and as it is now evident that the whole, or the principal part of it, will be wanted for that purpose, it appears most proper that the deposite should be withheld. Until the amount can be collected from the banks, treasury-notes may be temporarily issued, to be gradually redeemed as it is received.

I am aware that this course may be productive of inconvenience to many of the states. Relying upon the acts of Congress which held out to them the strong probability, if not the certainty, of receiving this instalment, they have in some instances adopted measures with which its retention may seriously interfere. That such a condition of things should have occurred is much to be regretted. It is not the least among the unfortunate results of the disasters of the times; and it is for Congress to devise a fit remedy, if there be one. The money being indispensable to the wants of the treasury, it is difficult to conceive upon what principle of justice or expediency its application to that object can be avoided. To recall any portions of the sums already deposited with the states, would be more inconvenient and less efficient. To burden the country with increased taxation, when there is in fact a large surplus revenue, would be unjust and unwise; to raise moneys by loans under such circumstances, and thus to commence a new national debt, would scarcely be sanctioned by the American people.

The plan proposed will be adequate to all our fiscal operations during the remainder of the year. Should it be adopted, the treasury, aided by the ample resources of the country, will be able to discharge, punctually, every pecuniary obligation. For the future, all that is needed will be that caution and forbearance in appropriations which the diminution of the revenue requires, and which the complete accomplishment and great forwardness of many expensive national undertakings renders equally consistent with prudence and patriotic liberality.

The preceding suggestions and recommendations are submitted, in the belief that their adoption by Congress will enable the executive department to conduct our fiscal concerns with success, so far as their management has been committed to it. While the objects and the means proposed to attain them are within its constitutional powers and appropriate duties, they will, at the same time, it is hoped, by their necessary operation, afford essential aid in the transaction of individual concerns, and thus yield relief to the people at large, in a form adapted to the nature of our government. Those who look to the action of this government for specific aid to the citizen to relieve embarrassments arising from losses by revul-

sions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed. It was established to give security to us all, in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals, or on any classes of them; to create systems of agriculture, manufactures, or trade; or to engage in them, either separately or in connexion with individual citizens or organized associations. If its operations were to be directed for the benefit of any one class, equivalent favors must, in justice, be extended to the rest; and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful.

All communities are apt to look to government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent constitution, and the people who approved it with calm and sagacious deliberation, acted at the time on a sounder principle. They wisely judged that the less government interferes with private pursuits, the better for the general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favor of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty, the performance of which makes a good government the most precious of human blessings—is to enact and enforce a system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign protection, the reward of virtue, industry, and prudence.

I can not doubt that on this, as on all similar occasions, the federal government will find its agency most conducive to the security and happiness of the people, when limited to the exercise of its conceded powers. In never assuming, even for a well-meant object, such powers as were not designed to be conferred upon it, we shall, in reality, do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen, will result in more benefit than to adopt measures which could only assist limited interests, and are eagerly, but perhaps naturally, sought for, under the pressure of temporary circumstances. If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the general government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid.

The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and can not be regarded as affecting the permanent prosperity of the nation. Arising, in a great degree, from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has, in many parts of the country, suffered comparatively little; and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed throughout our extended territory with a

season of general health and of uncommon fruitfulness. The proceeds of our great staple will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity, and the restoration of commercial credit. The banks, established avowedly for its support, deriving their profits from it, and resting under obligations to it which can not be overlooked, will feel at once the necessity and justice of uniting their energies with those of the mercantile interest.

The suspension of specie payments, at such a time and under such circumstances as we have lately witnessed, could not be other than a temporary measure; and we can scarcely err in believing that the period must soon arrive when all that are solvent will redeem their issues in gold and silver. Dealings abroad naturally depend on resources and prosperity at home. If the debt of our merchants has accumulated, or their credit is impaired, these are fluctuations always incident to extensive or extravagant mercantile transactions. But the ultimate security of such obligations does not admit of question. They are guarantied by the resources of a country, the fruits of whose industry afford abundant means of ample liquidation, and by the evident interest of every merchant to sustain a credit hitherto high, by promptly applying these means for its preservation.

I deeply regret that events have occurred which require me to ask your consideration of such serious topics. I could have wished that, in making my first communication to the assembled representatives of my country, I had nothing to dwell upon but the history of our unalloyed prosperity. Since it is otherwise, we can only feel more deeply the responsibility of the respective trusts that have been confided to us, and under the pressure of difficulties, unite in invoking the guidance and aid of the Supreme Ruler of nations, and in laboring with zealous resolution to overcome the difficulties by which we are environed.

It is, under such circumstances, a high gratification to know, by long experience, that we act for a people to whom the truth, however unpromising, can always be spoken with safety; for the trial of whose patriotism no emergency is too severe, and who are sure never to desert a public functionary honestly laboring for the public good. It seems just that they should receive, without delay, any aid in their embarrassments which your deliberations can afford. Coming directly from the midst of them, and knowing the course of events in every section of our country, from you may best be learned, as well the extent and nature of these embarrassments, as the most desirable measure of relief.

I am aware, however, that it is not proper to detain you at present, any longer than may be demanded by the special objects for which you are convened. To them, therefore, I have confined my communication; and believing it would not be your own wish to extend your deliberations beyond them, I reserve till the usual period of your annual meeting, that general information of the state of the Union which the constitution requires me to give.

FIRST ANNUAL MESSAGE.

DECEMBER 4, 1837.

Fellow-Citizens of the Senate and House of Representatives:—

WE have reason to renew the expression of our devout gratitude to the Giver of all good for his benign protection. Our country presents on every side the evidences of that continued favor under whose auspices it has gradually risen from a few feeble and dependent colonies to a prosperous and powerful confederacy. We are blessed with domestic tranquillity and all the elements of national prosperity. The pestilence which, invading for a time some flourishing portions of our Union, interrupted the general prevalence of unusual health, has happily been limited in extent and arrested in its fatal career. The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation and the natural and boundless resources of the country have afforded wise and timely aid to private enterprise; and the activity always characteristic of our people has already in a great degree resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed since the last annual message of my predecessor. We remain at peace with all nations; and no effort on my part, consistent with the preservation of our rights and the honor of our country, shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first president, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own, and discussing the pretensions of others, with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force, nor seeking to acquire anything for themselves by its exercise.

A rigid adherence to this policy has left this government with scarcely a claim upon its justice for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign governments for aggressions upon our citizens, were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs, that this great object was accomplished without compromising, on any occasion, either the honor or the peace of the nation.

With European powers, no new subjects of difficulty have arisen; and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding which it has ever been our desire to cultivate.

Of pending questions, the most important is that which exists with the government of Great Britain, in respect to our northeastern boundary. It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the executive, for a period of more

than half a century, to determine what no nation should suffer long to remain in dispute, the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States, and of the neighboring territory, was for a season such that this perhaps was not indispensable to a faithful performance of the duties of the federal government.

Time has, however, changed this state of things, and has brought about a condition of affairs in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised that, with full confidence often expressed, in the desire of the British government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long-pending negotiations, and a perplexing arbitration, appears to be a conviction, on its part, that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate satisfactorily this dispute, by proposing the substitution of a conventional line, if the consent of the states interested in the question could be obtained.

To this proposition no answer has yet been received. The attention of the British government, however, has been earnestly invited to the subject, and its reply can not, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that government to maintain them upon the present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you, how cordially it is reciprocated by the government and the people of the United States. The conviction, which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement can not be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session, I laid before you the recent communications between the two governments, and between this government and that of the state of Maine, in whose solicitude concerning a subject in which she has so deep an interest, every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States which are due as well to the recollections of former times, as to a correct appreciation of existing interests, have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial relations at present existing between the two countries are susceptible of great and reciprocally beneficial improvements, is obviously gaining ground in France ; and I am assured of the disposition of that government to favor the accomplishment of such an object. This disposition shall be met in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us can, I have no doubt, be settled with entire satisfaction and without difficulty.

Between Russia and the United States, sentiments of good-will continue to be mutually cherished. Our minister, recently accredited to that court, has been received with a frankness and cordiality, and with evi-

dences of respect for his country, which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us, an early and just decision is confidently anticipated.

A correspondence has been opened with the government of Austria, for the establishment of diplomatic relations, in conformity with the wishes of Congress, as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia, and with the states of the German empire, now composing, with the latter, the Commercial League, our political relations are of the most friendly character, while our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its treasury, the inevitable consequence of long-continued and exhausting internal wars. The last instalment of the interest of the debt due under the convention with the queen of Spain has not been paid; and similar failures may be expected to happen until a portion of the resources of her kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25th, 1832, declaring that fact, and the duties on foreign tonnage which were levied upon Portuguese vessels in the United States previously to the passage of that act are accordingly revived

The act of July 4th, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed, upon the application of that government through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country, upon the cargoes of American vessels; and as the act referred to, vests no discretion in the executive, it is for Congress to determine upon the expediency of further legislation upon the subject. Against these discriminations, affecting the vessels of this country and their cargoes, seasonable remonstrance was made, and notice was given to the Portuguese government, that unless they should be discontinued, the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that government received at the department of state through our chargé d'affaires at Lisbon, in the month of September last, afforded no ground to hope for the abandonment of a system, so little in harmony with the treatment shown to the vessels of Portugal and their cargoes, in the ports of this country, and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium, a friendly intercourse has been uninterruptedly maintained.

With the government of the Ottoman Porte, and its dependencies on the coast of the Mediterranean, peace and good-will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received, and the treaties made public since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the sultan of Muscat, prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts toward one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries at the expense both of the United States and Spain.

The independent nations of this continent have, ever since they emerged from the colonial state, experienced severe trials in their progress to the permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the governments formed out of the republics of Colombia, and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Grenada, Venezuela, and Ecuador, have recently formed a convention for the purpose of ascertaining and adjusting the claims upon the republic of Colombia, from which it is earnestly hoped our citizens will, ere long, receive full compensation for the injuries originally inflicted upon them, and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that government. The progress of a subsequent negotiation for the settlement of claims upon Peru, has been unfavorably affected by the war between that power and Chili, and the Argentine Republic; and the same event is also liable to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico, and a variety of events touching the honor and integrity of our government, led my predecessor to make, at the second session of the last Congress, a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this government and by our citizens. He recommended a final demand of redress, with a contingent authority to the executive to make reprisals, if that demand should be made in vain. From the proceedings of Congress on that recommendation, it appeared that the opinion of both branches of the legislature coincided with that of the executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed, with the president, that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power; but that there was an indisposition to vest a discretionary authority in the executive to take re-

dress, should it unfortunately be either denied or unreasonably delayed by the Mexican government.

So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico, to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire, on the part of that government, to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate ; that, in this examination, it would be guided by the principles of public law and the obligation of treaties ; that nothing should be left undone that might lead to the most speedy and equitable adjustment of our demands ; and that its determination, in respect to each case, should be communicated through the Mexican minister here.

Since that time, an envoy extraordinary and minister plenipotentiary has been accredited to this government by that of the Mexican republic. He brought with him assurances of a sincere desire that the pending differences between the two governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances, and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican republic, and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that government, and in restoring the intercourse between the two republics to that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply, to have found in the recent communications of that government, so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister. By the report of the secretary of state, herewith presented, and the accompanying documents, it will be seen that for not one of our public complaints has satisfaction been given or offered ; and that but four cases of both descriptions, out of all those formally presented, and earnestly pressed, have as yet been decided upon by the Mexican government.

Not perceiving in what manner any of the powers given to the executive alone could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress, as one calling for its interposition. In accordance with the clearly understood wishes of the legislature, another and formal demand for satisfaction has been made upon the Mexican government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican government, it has become my pain-

ful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measures, of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the counsels of our country.

The balance in the treasury on the first day of January, 1837, was forty-five millions nine hundred and sixty-eight thousand five hundred and twenty-three dollars. The receipts during the present year from all sources, including the amount of treasury-notes issued, are estimated at twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, constituting an aggregate of sixty-nine millions four hundred and sixty-eight thousand five hundred and four dollars. Of this amount, about thirty-five millions two hundred and eighty-one thousand three hundred and sixty-one dollars will have been expended, at the end of the year, on appropriations made by Congress; and the residue, amounting to thirty-four millions one hundred and eighty-seven thousand one hundred and forty-three dollars, will be the nominal balance in the treasury on the first of January next. But of that sum, only one million and eighty-five thousand four hundred and ninety-eight dollars is considered as immediately available for, and applicable to, public purposes.

Those portions of it which will be for some time unavailable consist chiefly of sums deposited with the states, and due from the former deposite banks. The details upon this subject will be found in the annual report of the secretary of the treasury. The amount of treasury-notes which it will be necessary to issue during the year on account of those funds being unavailable, will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measures. The departments were therefore desired to prepare their estimates accordingly; and I am happy to find that they have been able to graduate them on so economical a scale.

In the great and often unexpected fluctuations to which the revenue is subjected, it is not possible to compute the receipts beforehand with great certainty; but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which, in consequence of these embarrassments, has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the treasury-notes, which have been issued during the present year, will be redeemed, and that the resources of the treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The report of the secretary of the treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year; a period which, for the amount of public moneys disbursed and deposited with the states, as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was, at the last session, invited to the necessity of additional legislative provisions in respect to the collection, safekeeping, and

transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion, three modes of performing this branch of the public service were presented for consideration. These were, the creation of a national bank; the revival, with modifications, of the deposite system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both houses of Congress on the first two propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity, since your adjournment, not only to attest still further the expediency of the measure by the continued practical operation of such parts of it as are now in force, but also to discover what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people.

The national will is the supreme law of the republic, and on all subjects within the limits of its constitutional powers, should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration, most of you have enjoyed the advantage of personal communication with your constituents. For one state only has an election been held for the federal government; but the early day at which it took place, deprives the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for state officers have, however, been held in several of the states, at which the expediency of the plan proposed by the executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember that questions of far deeper and more immediate local interest than the fiscal plans of the national treasury were involved in those elections.

Above all, we can not overlook the striking fact, that there were, at the time, in those states, more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture—other large portions upheld only by special and limited legislative indulgences—and most of it, if not all, to a greater or less extent, dependent for a continuance of its corporate existence upon the will of the state legislatures to be then chosen. Apprized of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connexion with the then pending elections, and the feelings it was calculated to infuse into the canvass, have not exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the general government, more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety, either in the fiscal affairs of the government, or in the pecuniary transactions of individuals and corporations, so long as

a connexion exists between them, which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiased exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any further increase of the already overgrown influence of corporate authorities. I can not, therefore, consistently with my views of duty, advise a renewal of a connexion which circumstances have dissolved.

The discontinuance of the use of state banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks, properly established and conducted, are highly useful to the business of the country, and doubtless will continue to exist in the states so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the states to decide. Upon their rights, or the exercise of them, the general government can have no motive to encroach. Its duty toward them is well performed, when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connexion with the federal government, nor on the use of the public money for their own benefit.

The object of the measure under consideration is, to avoid for the future a compulsory connexion of this kind. It proposes to place the general government, in regard to the essential points of the collection, safekeeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade, and confine them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people, and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the treasury; to preserve the measures of the government from the unavoidable reproaches that flow from such a connexion, and the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject, formed after careful reflection, and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with an unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important, on a subject so interesting, could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests; so long as they pursue only the general good, and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light; and more especially if they should be satisfied that the measure proposed would not be acceptable to the people; I shall look to their wisdom to substitute such as may be more conducive to the one, and more satisfactory to the

other. In any event, they may confidently rely on my hearty co-operation to the fullest extent which my views of the constitution and my sense of duty will permit.

It is obviously important to this branch of the public service, and to the business and quiet of the country, that the whole subject should in some way be settled and regulated by law ; and, if possible, at your present session. Besides the plan above referred to, I am not aware that any one has been suggested, except that of keeping the public money in the state banks, in special deposite. This plan is, to some extent, in accordance with the practice of the government, and with the present arrangements of the treasury department, which, except perhaps during the operation of the late deposite act, has always been allowed, even during the existence of a national bank, to make a temporary use of the state banks, in particular places, for the safekeeping of portions of the revenue.

This discretionary power might be continued, if Congress deem it desirable, whatever general system may be adopted. So long as the connexion is voluntary, we need perhaps anticipate few of those difficulties, and little of that dependence on the banks, which must attend every such connexion when compulsory in its nature, and when so arranged as to make the banks a fixed part of the machinery of government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use, or intermingled with the affairs, of individuals. Thus arranged, although it would not give to the government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the government from those of individuals or corporations.

With these observations I recommend the whole matter to your dispassionate reflection, confidently hoping that some conclusion may be reached by your deliberations, which, on the one hand, shall give stability to the fiscal operations of the government, and be consistent, on the other, with the genius of our institutions, and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary, on this occasion, any allusion to the late national bank. There are circumstances, however, connected with the present state of its affairs, that bear so directly on the character of the government and the welfare of the citizen, that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the fourth of March, 1836, continued its corporate powers two years more, for the sole purpose of closing its affairs, with authority "to use the corporate name, style, and capacity, for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but for no other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new state institution, then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs.

With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests,

has been executed, would, under any circumstances, be a fit subject of inquiry; but much more does it deserve your attention when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and cancelled the outstanding notes of the bank, but has reissued, and is actually reissuing, since the 3d of March, 1836, the notes which have been received by it, to a vast amount.

According to its own official statement, so late as the first of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncancelled notes of the late bank of the United States to the amount of twenty-seven millions five hundred and sixty-one thousand eight hundred and sixty-six dollars, of which six millions one hundred and seventy-five thousand eight hundred and sixty-one dollars were in actual circulation, one million four hundred and sixty-eight thousand six hundred and twenty-seven dollars at state bank agencies, and three millions two thousand three hundred and ninety dollars *in transitu;* thus showing that upward of ten millions and a half of the notes of the old bank were then still kept outstanding.

The impropriety of this procedure is obvious; it being the duty of the trustee to cancel, and not to put forth, the notes of an institution, whose concerns it had undertaken to wind up. If the trustee has a right to reissue these notes now, I can see no reason why he may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special provision for enforcing it; nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States, in settling with the trustee for their stock, have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent; and should they result unfortunately, the interest of individuals may be deeply compromised. Without undertaking to decide how far, or in what form, if any, the trustee could be made liable for notes which contain no obligation on his part; or the old bank, for such as are put in circulation after the expiration of its charter, and without its authority; or the government for indemnity in case of loss, the question still presses itself upon your consideration, whether it is consistent with duty and good faith on the part of the government to witness this proceeding without a single effort to arrest it.

The report of the commissioner of the general land office, which will be laid before you by the secretary of the treasury, will show how the affairs of that office have been conducted for the past year The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the general government, and at the same time admitting the territories embracing them into the federal Union, as coequal with the original states, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a

future dissolution of the confederacy. But happily our experience has already been sufficient to quiet, in a great degree, all such apprehensions. The position, at one time assumed—that the admission of new states into the Union on the same footing with the original states, was incompatible with the right of soil in the United States, and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated—has been wisely abandoned. Whether, in the new or the old states, all now agree that the right of soil to the public lands remains in the federal government, and that these lands constitute a common property, to be disposed of for the common benefit of all the states, old and new. Acquiescence in this just principle by the people of the new states has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded, that while the mode of distribution adopted by the government should always be a prudent one, yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discountenance, if it can not prevent, the accumulation of large tracts in the same hands, which must retard the growth of the new states, or entail upon them a dependent tenantry and its attendant evils.

A question embracing such important interests, and so well calculated to enlist the feeling of the people in every quarter of the Union, has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed, are, to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase, and accomplishing the double object of promoting their rapid settlement by the purchasers, and at the same time increasing the receipts of the treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the government which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvements, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the government; thus diminishing the amount to be raised from the people of the states by taxation, and giving each state its portion of the benefits to be derived from the common fund, in a manner the most quiet, and at the same time, perhaps, the most equitable that can be devised.

These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of government, have, in their execution, produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upward of seventy millions of acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new states and territories created out of the public domain, increased between 1800 and 1830, from less than sixty thousand to upward of two millions three hundred thousand souls, constituting, at the latter period, about one fifth of the whole people of the United States. The increase since can not be accurately known, but the whole may now be safely estimated at over three and a half millions of souls; composing nine states,

the representatives of which constitute above one third of the senate, and over one sixth of the house of representatives, of the United States.

Thus has been formed a body of free and independent landholders, with a rapidity unequalled in the history of mankind; and this great result has been produced without leaving anything for future adjustment between the government and the citizens. The system under which so much has been accomplished can not be intrinsically bad, and with occasional modifications, to correct abuses and adapt it to changes of circumstances, may, I think, be safely trusted for the future. There is, in the management of such extensive interests, much virtue in stability; and although great and obvious improvements should not be declined, changes should never be made without the fullest examination, and the clearest demonstration of their practical utility.

In the history of the past, we have an assurance that this safe rule of action will not be departed from in relation to the public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new states, is desirous of any radical alterations. On the contrary, the general disposition appears to be, to make such modifications and additions only as will the more effectually carry out the original policy of filling our new states and territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsaleable at the rate now established by law, and a graduation, according to their relative value, of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps for ever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value.

The leading considerations urged in favor of the measure referred to are, that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the government price downward; that these lands will not be purchased at the government price, so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price; and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlement in the new states, and to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several states where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction in prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always, in such cases, and perhaps not even generally, furnish a true criterion of value; and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves

of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract principle, that the price of the public lands should be proportioned to their relative value, so far as that can be accomplished without departing from the rule heretofore observed, requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the states as the basis of taxation—an actual valuation of lands and classification of them into different rates?

Would it not be practicable and expedient to cause the relative value of the public lands in the old districts, which have been for a certain length of time in market, to be appraised and classed into two or more rates below the present minimum price, by the officers now employed in this branch of the public service, or in any other mode deemed preferable, and to make those prices permanent, if upon the coming in of the report they shall prove satisfactory to Congress? Can not all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it, avoided? It would seem to me that such a step, with a restriction of the sales to limited quantities, and for actual improvement, would be free from all just exceptions.

By the full exposition of the value of the lands thus furnished and extensively promulgated, persons living at a distance would be informed of their true condition, and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new states would be made more compact; and large tracts would be sold which would otherwise remain on hand; not only would the land be brought within the means of a large number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands, rather than emigrate further west in pursuit of a smaller quantity of better lands.

Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the west, to occupy in groups the best spots of land, leaving immense wastes behind them, and enlarging the frontier beyond the means of the government to afford it adequate protection; but in encouraging it to occupy, with reasonable denseness, the territory over which it advances, and find its best defence in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country most of the public lands have been sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether, in many cases, two or more districts may not be consolidated, and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the

true policy of the general government, as to some of the states, to transfer to them, for a reasonable equivalent, all the refuse and unsold lands, and to withdraw the machinery of the federal land offices altogether. All who take a comprehensive view of our federal system, and believe that one of its greatest excellences consists in interfering as little as possible with the internal concerns of the states, look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject. Many who have not the ability to buy at present prices settle on those lands, with the hope of acquiring from their cultivation the means of purchasing under pre-emption laws from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody, and only enter upon the waste domain; that they give additional value to the public lands in their vicinity; and their intention ultimately to pay the government price. So much weight has from time to time been attached to these considerations, that Congress have passed laws giving actual settlers on the public lands a right of pre-emption to the tracts occupied by them, at the minimum price.

These laws have in all instances been retrospective in their operation; but in a few years after their passage, crowds of new settlers have been found on the public lands, for similar reasons and under like expectations, who have been indulged with the same privileges. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should, by law, be thrown open to all.

That which is intended, in all instances, to be legalized, should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entries and payment of the government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish.

It would seem, therefore, to be the part of wisdom and sound policy to remove, as far as practicable, the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for those intrusions as the graduation of price already suggested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lowest prices, and leave him without apology for settling on lands not his own. If he did not, under such circumstances, he would enlist no sympathy in his favor; the laws would be readily executed, without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law and now ask the enactment of another, to enable them to retain the lands occupied, upon payment of the minimum government price. They ask that which has been repeatedly granted before. If the future may be

judged of by the past, little harm can be done to the interests of the treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales since the introduction of cash payments in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum government price. There is no reason to suppose that future sales will be more productive. The government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a pre-emption law for their benefit, in connexion with the preparatory steps toward the graduation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appears to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of the pre-emption law will necessarily attract the careful attention of Congress; but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the government on industrious settlers, are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the secretary of war will bring to your view the state of the army, and all the various subjects confided to the superintendence of that officer.

The principal part of the army has been concentrated in Florida, with a view and in the expectation of bringing the war in that territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the field an army of less than four thousand men, would seem to indicate the necessity of increasing our regular forces; and the superior efficiency as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the secretary of war to urge the reorganization and enlargement of the staff of the army, and of the ordnance corps, in which I fully concur.

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defence of our extensive frontiers. In periods of danger and alarm, we must rely principally upon a well-organized militia; and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington, and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the constitution that renders it necessary to adopt a uniform system of organization for the militia, throughout the United States, presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the secretary of war, for the organization of volunteer corps,

and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps both of military and topographical engineers, has been more than once recommended by my predecessor, and my conviction of the propriety, not to say necessity of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The military academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers of the army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge, and the scientific attainments of civil and military engineering. At present, the cadet is bound, with the consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged, thus exacting only one year's service in the army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense; and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the army and navy of the United States, has been heretofore recommended, and appears to be required, in order to place our ordnance on an equal footing with that of other countries, and to enable that branch of the service to control the prices of those articles, and graduate the supplies to the wants of the government, as well as to regulate their quality and insure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the ordnance office. The establishment of a manufactory of small arms west of the Allegany mountains, upon the plan proposed by the secretary of war, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic states, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson, in 1804, has been steadily persevered in by every succeeding president, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the west; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the commissioner of Indian affairs, that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi, have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are

now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction ; and I can not too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the band of the Wyandots, the Six Nations, in New York, the Menomonees, Mandans, and Stockbridges, in Wisconsin, and Miamies, in Indiana. With all, but the Menomonees, it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes, even after treaties had been made with them to that effect, has arisen from various causes, operating differently on each of them. In most instances, they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important ; and in some by the personal influence of interested chiefs. These obstacles must be overcome ; for the government can not relinquish the execution of this policy without sacrificing important interests. and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the states and territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor. and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws, and be made sensible of the blessings of free government, and capable of enjoying its advantages. In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever-present conviction of the importance of union, of peace among themselves, and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the general and state governments, from what has proved a most embarrassing incumbrance, by a satisfactory adjustment of conflicting titles to lands, caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the state and general governments, and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the government to fulfil its treaty stipulations, and to protect the Indians thus assembled "at their new residences, from all interruptions and disturbances from any other tribes or nations of Indians, or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostilities its own border settlements stretching along a line of more than one thousand miles. To enable the government to redeem this pledge to the Indians, and to afford adequate protection to its own citizens, will require the continual presence of a considerable regular force on the frontiers, and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defence, the results of which will be presented to you by the secretary of war at an early day, together with a plan for the effectual

protection of the friendly Indians, and the permanent defence of the frontier states.

By the report of the secretary of the navy, herewith communicated, it appears that unremitted exertions have been made at the different navy-yards, to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship-of-the-line Pennsylvania, and the complete repairs of the ships-of-the-line Ohio, Delaware, and Columbus, may be noticed, as forming a respectable addition to this important arm of our national defence. Our commerce and navigation have received increased aid and protection during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in co-operating with the officers of the army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad, leaves at our disposal the means of conveniently providing for a home squadron, for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service, for the year 1838.

The naval officers engaged upon our coast survey, have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor, and add greatly to its value as a naval station. The accurate survey of George's shoals, off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons, and assistant surgeons, in the navy. These additions were rendered necessary, by the increased number of vessels put in commission, to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the secretary, for the improvement of the naval service.

The report of the postmaster-general exhibits the progress and condition of the mail service. The operations of the postoffice department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about one hundred and forty-two thousand eight hundred and seventy-seven miles, having been increased about thirty-seven thousand one hundred and three miles within the last two years. The annual mail transportation on these routes is about thirty-six millions two hundred and twenty-eight thousand nine hundred and sixty-two miles, having been increased about ten millions three hundred and fifty-nine thousand four hundred and seventy-six miles within the same period. The number of postoffices has also been increased from ten thousand seven hundred and seventy, to twelve thousand and ninety-nine, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are represented as attending to their duties with most commendable zeal

and fidelity. The revenue of the department within the year ending on the 30th of June last, was four millions one hundred and thirty-seven thousand and fifty-six dollars, fifty-nine cents; and its liabilities accruing within the same time, were three millions three hundred and eighty thousand eight hundred and forty-seven dollars and seventy-five cents. The increase of revenue over that of the preceding year, was seven hundred and eighty thousand one hundred and sixty-six dollars and forty-one cents. For many interesting details, I refer you to the report of the postmaster-general, with the accompanying paper. Your particular attention is invited to the necessity of providing a more safe and convenient building for the accommodation of that department.

I lay before Congress copies of reports, submitted in pursuance of a call made by me upon the heads of departments, for such suggestions as their experience might enable them to make, as to what further legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated; to prevent their misapplication or embezzlement by those intrusted with the expenditure of them; and, generally, to increase the security of the government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends; and I have little to add to the recommendations submitted in the accompanying papers.

By law, the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed, their bonds are required to be renewed. The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers intrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of the departments as you may think useful, a general provision that all officers of the army or navy, or in the civil department, intrusted with the receipt or payment of the public money, and whose term of service is either unlimited or for a longer time than four years, be required to give bonds, with good and sufficient securities, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the first of October to the first of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats, which have so frequently happened, during the year, seem to evince the necessity of attempting to prevent them by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the secretary of the treasury in his last annual report, and will be again noticed at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it, did not their entire dependence on Congress, give them a constant claim upon its notice. Separated by the constitution from the rest of the Union, limited in extent, and aided by no legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted.

This district, however, unfortunately, has been left to linger behind the rest of the Union; its codes, civil and criminal, are not only very defective, but full of obsolete or inconvenient provisions; being formed of portions of two states, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was selected as the seat of the general government, the site of its public edifices, the depositary of its archives, and the residence of officers intrusted with large amounts of public property, and the management of public business, yet it has never been subjected to, or received, that special and comprehensive legislation which these circumstances peculiarly demand.

I am well aware of the various subjects of greater magnitude and immediate interest, that press themselves on the consideration of Congress; but I believe there is not one that appeals more directly to its justice, than a liberal and even generous attention to the interests of the District of Columbia, and a thorough and careful revision of its local government.

SPECIAL MESSAGE.

DECEMBER 21, 1837.

To the House of Representatives of the United States:—

IN compliance with a resolution of the house of representatives of the last session, I transmit a report made to me by the architect of the public buildings, with the accompanying documents, exhibiting a plan of the treasury building now in process of erection, showing its location in reference to the adjacent streets and public squares on which it is located, its elevation, the number and size of the rooms it will afford suitable for office business, and the number and size of those suitable only for the deposite of records, with a statement of the sum expended on said building, and an estimate of the sum that will be required to complete the same. As the 5th section of the act of July 4th, 1836, under the authority of which this building has been commenced, provides only for the erection of an edifice of such dimensions as may be required for the present and future accommodation of the treasury department, the size of the structure has been adapted to that purpose; and it is not contemplated to appropriate any part of the building to the use of any other department. As it is understood, however, that the plan of the edifice admits of its being completed either with or without wings, and that, if Congress should think proper, accommodation may be provided by means of wings, consistent with the harmony of the original design, for the department of state and the general postoffice, it is not thought that the public interest requires any change in the location or plan, although it is believed that the convenience of the public business would be promoted by including in the building proposed accommodations for the two other departments just mentioned. The report of the architect shows the supposed difference of the expense that would be incurred in the event of the construction of the building with wings, in taking down the edifice now occupied by the department of state, or repairing it so as to render it fireproof, and make its outside conform to the other parts of the new building. I also transmit statements

from the heads of the several departments of the number and size of the rooms that are necessary for their respective departments for office business, and for the deposite of records.

SPECIAL MESSAGE.

JANUARY 5, 1838.

To the Senate and House of Representatives of the United States:—

RECENT experience on the southern boundary of the United States, and the events now daily occurring on our northern frontier, have abundantly shown that the existing laws are insufficient to guard against hostile invasion from the United States of the territory of friendly and neighboring nations.

The laws in force provide sufficient penalties for the punishment of such offences after they have been committed, and provided the parties can be found, but the executive is powerless in many cases to prevent the commission of them, even when in possession of ample evidence of an intention on the part of evil-disposed persons to violate our laws.

Your attention is called to this defect in our legislation. It is apparent that the executive ought to be clothed with adequate power effectually to restrain all persons within our jurisdiction from the commission of acts of this character. They tend to disturb the peace of the country, and inevitably involve the government in perplexing controversies with foreign powers. I recommend a careful revision of all the laws now in force, and such additional enactments as may be necessary to vest in the executive full power to prevent injuries being inflicted upon neighboring nations, by the unauthorized and unlawful acts of citizens of the United States, or of other persons who may be within our jurisdiction and subject to our control.

An illustration of these views, and to show the necessity of early action on the part of Congress, I submit herewith a copy of a letter received from the marshal of the northern district of New York, who had been directed to repair to the frontier, and take all authorized measures to secure the faithful execution of existing laws.

SPECIAL MESSAGE.

JANUARY 8, 1838.

To the Senate and House of Representatives of the United States:—

IN the highly-excited state of feeling on the northern frontiers, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic majesty's dominions. Every precaution was, therefore, taken on our part, authorized by the existing laws; and, as the troops of the provinces were embodied on the Canadian side, it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you that an outrage of a

most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood, and on the whole border line, and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia, to be posted on that frontier. The documents herewith presented to Congress show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken, on our part, to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

SPECIAL MESSAGE.

May 10, 1838.

To the Senate and House of Representatives :—

I SUBMIT to the consideration of Congress a statement prepared by the secretary of the treasury, by which it appears that the United States, with over twenty-eight millions in deposite with the states, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to reissue such treasury-notes as might be paid in before they fall due, and may be effectually obviated by giving the treasury during the whole year the benefit of the full amount originally authorized, the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things, induces me respectfully to invite the earliest action of Congress to the subject which may be consistent with a due regard to other public interests.

SPECIAL MESSAGE.

June 20, 1838.

To the House of Representatives of the United States :—

I TRANSMIT, in compliance with a resolution of the house of representatives of the 11th instant, reports from the secretary of state, treasury, and war, with the documents referred to by them respectively. It will be seen that the outrage committed on the steamboat Sir Robert Peel, under

the British flag, within the waters of the United States, and on the steamboat Telegraph, under the American flag, at Brockville, in Upper Canada, have not been followed by any demand by either government concerned in them. Investigations have been made; some of the individuals inculpated have been arrested, and prosecutions are in progress, the result of which can not be doubted. The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this government. Every effort has been, and will be made, to prevent the success of the design, apparently formed and in the course of execution, by Canadians who have found a refuge within the territory, aided by a few reckless persons of our own country, to involve the nation in a war with a neighboring and friendly power. Such design can not succeed while the two governments appreciate and confidently rely upon the good faith of each other in the performance of their respective duties. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial co-operation of the British authorities, at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the governments and people both of the United States and Great Britain.

SECOND ANNUAL MESSAGE.

DECEMBER 4, 1838.

Fellow-Citizens of the Senate and House of Representatives:—

I CONGRATULATE you on the favorable circumstances in the condition of our country, under which you reassemble for the performance of your official duties. Though the anticipations of an abundant harvest have not everywhere been realized, yet, on the whole, the labors of the husbandman are rewarded with a bountiful return; industry prospers in its various channels of business and enterprise; general health again prevails through our vast diversity of climate; nothing threatens from abroad the continuance of external peace; nor has anything at home impaired the strength of those fraternal and domestic ties which constitute the only guarantee to the success and permanency of our happy Union, and which, formed in the hour of peril, have hitherto been honorably sustained through every vicissitude in our national affairs. These blessings, which evince the care and beneficence of Providence, call for our devout and fervent gratitude.

We have not less reason to be grateful for other bounties bestowed by the same munificent hand, and more exclusively our own.

The present year closes the first half century of our federal institutions; and our system, differing from all others in the acknowledged practical and unlimited operation which it has for so long a period given to the sovereignty of the people, has now been fully tested by experience.

The constitution devised by our forefathers as the framework and bond of that system, then untried, has become a settled form of government; not only preserving and protecting the great principles upon which it was founded, but wonderfully promoting individual happiness and private interests. Though subject to change and entire revocation, whenever

deemed inadequate to all these purposes, yet such is the wisdom of its construction, and so stable has been the public sentiment, that it remains unaltered, except in matters of detail, comparatively unimportant. It has proved amply sufficient for the various emergencies incident to our condition as a nation. A formidable foreign war; agitating collisions between domestic and in some respects rival sovereignties; temptations to interfere in the intestine commotions of neighboring countries; the dangerous influences that arise in periods of excessive prosperity; and the anti-republican tendencies of associated wealth—these, with other trials not less formidable, have all been encountered, and thus far successfully resisted.

It was reserved for the American Union to test the advantages of a government entirely dependent on the continual exercise of the popular will; and our experience has shown that it is as beneficent in practice as it is just in theory. Each successive change made in our local institutions has contributed to extend the right of suffrage, has increased the direct influence of the mass of the community, given greater freedom to individual exertion, and restricted more and more the powers of government; yet the intelligence, prudence and patriotism of the people, have kept pace with the augmented responsibility. In no country has education been so widely diffused. Domestic peace has nowhere so largely reigned. The close bonds of social intercourse have, in no instance, prevailed with such harmony over a space so vast. All forms of religion have united, for the first time, to diffuse charity and piety, because, for the first time in the history of nations, all have been totally untrammelled, and absolutely free. The deepest recesses of the wilderness have been penetrated; yet, instead of the rudeness in the social condition consequent upon such adventures elsewhere, numerous communities have sprung up, already unrivalled in prosperity, general intelligence, internal tranquillity, and the wisdom of their political institutions. Internal improvements, the fruit of individual enterprise, fostered by the protection of the states, have added new links to the confederation, and fresh rewards to provident industry. Doubtful questions of domestic policy have been quietly settled by mutual forbearance; and agriculture, commerce, and manufactures, minister to each other. Taxation and public debt, the burdens which bear so heavily upon all other countries, have pressed with comparative lightness upon us. Without one entangling alliance, our friendship is prized by every nation; and the rights of our citizens are everywhere respected, because they are known to be guarded by a united, sensitive, and watchful people.

To this practical operation of our institutions, so evident and successful, we owe that increased attachment to them which is among the most cheering exhibitions of popular sentiment, and will prove their best security, in time to come, against foreign or domestic assault.

This review of the results of our institutions, for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they have sprung: constant and direct supervision by the people over every public measure; strict forbearance on the part of the government from exercising any doubtful or disputed powers; and a constant abstinence from all interference with concerns which properly belong, and are best left to state regulations and individual enterprise.

Full information of the state of our foreign affairs having been recently, on different occasions, submitted to Congress, I deem it necessary now to

bring to your notice such events as have subsequently occurred, or are of such importance as to require particular attention.

The most amicable dispositions continue to be exhibited by all the nations with whom the government and citizens of the United States have an habitual intercourse. At the date of my last annual message, Mexico was the only nation which could not be included in so gratifying a reference to our foreign relations.

I am happy to be now able to inform you that an advance has been made toward the adjustment of our difficulties with that republic, and the restoration of the customary good-feeling between the two nations. This important change has been effected by conciliatory negotiations that have resulted in the conclusion of a treaty between the two governments, which, when ratified, will refer to the arbitrament of a friendly power all the subjects of controversy between us growing out of injuries to individuals. There is, at present, also, reason to believe that an equitable settlement of all disputed points will be attained without further difficulty or unnecessary delay, and thus authorize the free resumption of diplomatic intercourse with our sister republic.

With respect to the northeastern boundary of the United States, no official correspondence between this government and that of Great Britain has passed since that communicated to Congress, toward the close of their last session. The offer to negotiate a convention for the appointment of a joint commission of survey and exploration, I am, however, assured will be met by her majesty's government in a conciliatory and friendly spirit, and instructions to enable the British minister here to conclude such an arrangement will be transmitted to him without needless delay. It is hoped and expected that those instructions will be of a liberal character, and that this negotiation, if successful, will prove to be an important step toward the satisfactory and final adjustment of the controversy.

I had hoped that the respect for the laws, and regard for the peace and honor of their own country, which have ever characterized the citizens of the United States, would have prevented any portion of them from using any means to promote insurrection in the territory of a power with which we are at peace, and with which the United States are desirous of maintaining the most friendly relations. I deeply regret, however, to be obliged to inform you that this has not been the case. Information has been given to me, derived from official and other sources, that many citizens of the United States have associated together to make hostile incursions from our territory into Canada, and to aid and abet insurrection there, in violation of the obligations and laws of the United States, and in open disregard of their own duties as citizens. This information has been in part confirmed by a hostile invasion actually made by citizens of the United States, in conjunction with Canadians and others, and accompanied by a forcible seizure of the property of our citizens, and an application thereof to the prosecution of military operations against the authorities and people of Canada.

The results of these criminal assaults upon the peace and order of a neighboring country have been, as was to be expected, fatally destructive to the misguided or deluded persons engaged in them, and highly injurious to those in whose behalf they are professed to have been undertaken. The authorities in Canada, from intelligence received of such intended movements among our citizens, have felt themselves obliged to take precautionary measures against them, have actually embodied the militia, and assumed

an attitude to repel an invasion to which they believed the colonies were exposed from the United States. A state of feeling on both sides of the frontier had thus been produced, which called for prompt and vigorous interference. If an insurrection existed in Canada, the amicable dispositions of the United States toward Great Britain, as well as their duty to themselves, would lead them to maintain a strict neutrality, and to restrain their citizens from all violations of the laws which have been passed for its enforcement. But this government recognises a still higher obligation to repress all attempts on the part of its citizens to disturb the peace of a country where order prevails, or has been re-established. Depredations by our citizens upon nations at peace with the United States, or combinations for committing them, have at all times been regarded by the American government and people with the greatest abhorrence. Military incursions by our citizens into countries so situated, and the commission of acts of violence on the members thereof, in order to effect a change in its government, or under any pretext whatever, have, from the commencement of our government, been held equally criminal on the part of those engaged in them, and as much deserving punishment as would be the disturbance of the public peace by the perpetration of similar acts within our own territory.

By no country or persons have these invaluable principles of international law—principles, the strict observance of which is so indispensable to the preservation of social order in the world—been more earnestly cherished or sacredly respected than by those great and good men, who first declared, and finally established, the independence of our own country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintenance of our national honor. That the people of the United States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the government has neither the right, nor, I trust, the disposition, to interfere. But whether the interest or the honor of the United States require that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our constitution, is wisely left to Congress alone to decide. It is, by the laws, already made criminal in our citizens to embarrass or anticipate that decision by unauthorized military operations on their part.

Offences of this character, in addition to their criminality as violations of the laws of our country, have a direct tendency to draw down upon our citizens at large the multiplied evils of a foreign war, and expose to injurious imputations the good faith and honor of the country. As such, they deserve to be put down with promptitude and decision. I can not be mistaken, I am confident, in counting on the cordial and general concurrence of our fellow-citizens in this sentiment. A copy of the proclamation which I have felt it my duty to issue, is herewith communicated. I can not but hope that the good sense and patriotism, the regard for the honor and reputation of their country, the respect for the laws which they have themselves

enacted for their own government, and the love of order for which the mass of our people have been so long and so justly distinguished, will deter the comparatively few who are engaged in them from a further prosecution of such desperate enterprises. In the meantime the existing laws have been, and will continue to be, faithfully executed; and every effort will be made to carry them out in their full extent. Whether they are sufficient or not to meet the actual state of things on the Canadian frontier, it is for Congress to decide.

It will appear, from the correspondence herewith submitted, that the government of Russia decline a renewal of the fourth article of the convention of April, 1824, between the United States and his imperial majesty, by the third article of which it is agreed that "hereafter there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 deg. 40 min. of north latitude; and that in the same manner there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel;" and by the fourth article, that "during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hinderance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country." The reasons assigned for declining to renew the provisions of this article are, briefly, that the only use made by our citizens of the privilege it secures to them, has been to supply the Indians with spirituous liquors, ammunition, and firearms; that this traffic has been excluded from the Russian trade; and as the supplies furnished from the United States are injurious to the Russian establishments on the northwest coast, and calculated to produce complaints between the two governments, his imperial majesty thinks it for the interest of both countries not to accede to the proposition made by the American government for the renewal of the article last referred to.

The correspondence herewith communicated will show the grounds upon which we contend that the citizens of the United States have, independent of the provisions of the convention of 1824, a right to trade with the natives upon the coast in question, at unoccupied places, liable, however, it is admitted, to be at any time extinguished by the creation of Russian establishments at such points. The right is denied by the Russian government, which asserts that by the operation of the treaty of 1824, each party agreed to waive the general right to land on the vacant coasts on the respective sides of the degree of latitude referred to, and accepted, in lieu thereof, the mutual privileges mentioned in the fourth article. The capital and tonnage employed by our citizens in their trade with the northwest coast of America will, perhaps, on adverting to the official statements of the commerce and navigation of the United States, for the last few years, be deemed too inconsiderable in amount to attract much attention; yet the subject may, in other respects, deserve the careful consideration of Congress.

I regret to state that the blockade of the principal ports on the eastern coast of Mexico, which, in consequence of differences between that republic and France, was instituted in May last, unfortunately still continues, enforced by a competent French naval force, and is necessarily embarrassing to our own trade in the gulf, in common with that of other nations.

Every disposition, however, is believed to exist, on the part of the French government, to render this measure as little onerous as practicable to the interests of the citizens of the United States, and to those of neutral commerce; and it is to be hoped that an early settlement of the difficulties between France and Mexico will soon re-establish the harmonious relations formerly subsisting between them, and again open the ports of that republic to the vessels of all friendly nations.

A convention for marking that part of the boundary between the United States and the republic of Texas, which extends from the mouth of the Sabine to the Red river, was concluded and signed at this city on the 25th of April last. It has since been ratified by both governments; and seasonable measures will be taken to carry it into effect on the part of the United States.

The application of that republic for admission into this Union, made in August, 1837, and which was declined for reasons already made known to you, has been formally withdrawn, as will appear from the accompanying copy of the note of the minister plenipotentiary of Texas, which was presented to the secretary of state on the occasion of the exchange of ratifications of the convention above mentioned.

Copies of the convention with Texas, of a commercial treaty concluded with the king of Greece, and of a similar treaty with the Peru-Bolivian confederation, the ratifications of which have been recently exchanged, accompany this message for the information of Congress, and for such legislative enactments as may be found necessary or expedient, in relation to either of them.

To watch over and foster the interests of a gradually-increasing and widely-extended commerce; to guard the rights of American citizens, whom business, or pleasure, or other motives, may tempt into distant climes, and at the same time to cultivate those sentiments of mutual respect and good-will which experience has proved so beneficial in international intercourse, the government of the United States has deemed it expedient, from time to time, to establish diplomatic connexions with different foreign states, by the appointment of representatives to reside within their respective territories. I am gratified to be enabled to announce to you that, since the close of your last session, these relations have been opened under the happiest auspices with Austria and the Two Sicilies; that new nominations have been made in the respective missions of Russia, Brazil, Belgium, Sweden, and Norway, in this country; and that a minister extraordinary has been received, accredited to this government from the Argentine confederation.

An exposition of the fiscal affairs of the government, and of their condition for the past year, will be made to you by the secretary of the treasury.

The available balance in the treasury, on the 1st of January next, is estimated at two millions seven hundred and sixty-five thousand three hundred and forty-two dollars. The receipts of the year, from customs and lands, will probably amount to twenty millions six hundred and fifteen thousand five hundred and ninety-eight dollars. These usual sources of revenue have increased by an issue of treasury-notes, of which less than eight millions of dollars, including interest and principal, will be outstanding at the end of the year, and by the sale of one of the bonds of the bank of the United States, for two millions two hundred and fifty-four thousand eight hundred and seventy-one dollars. The aggregate of means from

these and other sources, with the balance on hand on the 1st of January last, has been applied to the payment of appropriations by Congress. The whole expenditure for the year on their account, including the redemption of more than eight millions of treasury-notes, constitutes an aggregate of about forty millions of dollars, and will still leave in the treasury the balance before stated.

Nearly eight millions of dollars of treasury-notes are to be paid during the coming year, in addition to the ordinary appropriations for the support of government. For both these purposes, the resources of the treasury will undoubtedly be sufficient, if the charges upon it are not increased beyond the annual estimates. No excess, however, is likely to exist; nor can the postponed instalment of the surplus revenue be deposited with the states, nor any considerable appropriations beyond the estimates be made, without causing a deficit in the treasury. The great caution, advisable at all times, of limiting appropriations to the wants of the public service, is rendered necessary at present by the prospective and rapid reduction of the tariff; while the vigilant jealousy, evidently excited among the people by the occurrences of the last few years, assures us that they expect from their representatives, and will sustain them in the exercise of, the most rigid economy. Much can be effected by postponing appropriations not immediately required for the ordinary public service, or for any pressing emergency; and much, by reducing the expenditures, where the entire and immediate accomplishment of the objects in view is not indispensable.

When we call to mind the recent and extreme embarrassments produced by excessive issues of bank paper, aggravated by the unforeseen withdrawal of much foreign capital, and the inevitable derangement arising from the distribution of the surplus revenue among the states as required by Congress; and consider the heavy expenses incurred by the removal of Indian tribes; by the military operations in Florida; and on account of the unusually large appropriations made at the last two annual sessions of Congress for other objects; we have striking evidence, in the present efficient state of our finances, of the abundant resources of the country to fulfil all its obligations. Nor is it less gratifying to find that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future. By the curtailment of paper issues; by curbing the sanguine and adventurous spirit of speculation; and by the honorable application of all available means to the fulfilment of obligations, confidence has been restored both at home and abroad, and ease and facility secured to all the operations of trade.

The agency of the government in producing these results has been as efficient as its powers and means permitted. By withholding from the states the deposite of the fourth instalment, and leaving several millions at long credits with the banks, principally in one section of the country, and more immediately beneficial to it; and, at the same time, aiding the banks and commercial communities in other sections, by postponing the payment of bonds for duties to the amount of between four and five millions of dollars; by an issue of treasury-notes as a means to enable the government to meet the consequences of their indulgences, but affording, at the same time, facilities for remittance and exchange; and by steadily declining to employ as general depositaries of the public revenues, or receive the notes of all banks which refused to redeem them with specie;

by these measures, aided by the favorable action of some of the banks, and by the support and co-operation of a large portion of the community, we have witnessed an early resumption of specie payments in our great commercial capital, promptly followed in almost every part of the United States. This result has been alike salutary to the true interests of agriculture, commerce, and manufactures; to public morals, respect for the laws, and that confidence between man and man which is so essential in all our social relations.

The contrast between the suspension of 1814 and that of 1837, is most striking. The short duration of the latter; the prompt restoration of business; the evident benefits resulting from an adherence by the government to the constitutional standard of value, instead of sanctioning the suspension by the receipt of irredeemable paper; and the advantages derived from the large amount of specie introduced into the country previous to 1837, afford a valuable illustration of the true policy of the government in such a crisis. Nor can the comparison fail to remove the impression that a national bank is necessary in such emergencies. Not only were specie payments resumed without its aid, but exchanges have also been more rapidly restored than when it existed; thereby showing that private capital, enterprise, and prudence, are fully adequate to these ends. On all these points, experience seems to have confirmed the views heretofore submitted to Congress. We have been saved the mortification of seeing the distresses of the community for the third time seized on to fasten upon the country so dangerous an institution; and we may also hope that the business of individuals will hereafter be relieved from the injurious effects of a continued agitation of that disturbing subject.

The limited influence of a national bank in averting derangement in the exchanges of the country, or in compelling the resumption of specie payments, is now not less apparent than its tendency to increase inordinate speculation by sudden expansions and contractions; its disposition to create panic and embarrassment for the promotion of its own designs; its interference with politics; and its far greater power for evil than for good, either in regard to the local institutions or the operations of government itself. What was in these respects but apprehension or opinion, when a national bank was first established, now stands confirmed by humiliating experience. The scenes through which we have passed conclusively prove how little our commerce, agriculture, manufactures, or finances, require such an institution, and what dangers are attendant on its power—a power, I trust, never to be conferred by the American people upon their government, and still less upon individuals not responsible to them for its unavoidable abuses.

My conviction of the necessity of further legislative provisions for the safekeeping and disbursement of the public moneys, and my opinion in regard to the measures best adapted to the accomplishment of those objects, have been already submitted to you. These have been strengthened by recent events; and, in the full conviction that time and experience must still further demonstrate their propriety, I feel it my duty, with respectful deference to the conflicting views of others, again to invite your attention to them.

With the exception of limited sums deposited in the few banks still employed under the act of 1836, the amounts received for duties, and, with very inconsiderable exceptions, those accruing from lands also, have, since the general suspension of specie payments by the deposite-banks,

been kept and disbursed by the treasurer, under his general legal powers, subject to the superintendence of the secretary of the treasury. The propriety of defining more specifically, and of regulating by law the exercise of this wide scope of executive discretion, has been already submitted to Congress.

A change in the office of collector at one of our principal ports has brought to light a defalcation of the gravest character, the particulars of which will be laid before you in a special report from the secretary of the treasury. By his report, and the accompanying documents, it will be seen that the weekly returns of the defaulting officer apparently exhibited, throughout, a faithful administration of the affairs intrusted to his management. It, however, now appears that he commenced abstracting the public moneys shortly after his appointment, and continued to do so, progressively increasing the amount, for the term of more than seven years, embracing a portion of the period during which the public moneys were deposited in the bank of the United States, the whole of that of the state bank deposite system, and concluding only on his retirement from office, after that system had substantially failed, in consequence of the suspension of specie payments.

The way in which this defalcation was so long concealed, and the steps taken to indemnify the United States, as far as practicable, against loss, will also be presented to you. The case is one which imperatively claims the attention of Congress, and furnishes the strongest motive for the establishment of a more severe and secure system for the safekeeping and disbursement of the public moneys than any that has heretofore existed.

It seems proper, at all events, that, by an early enactment, similar to that of other countries, the application of public money by an officer of government to private uses, should be made a felony, and visited with severe and ignominious punishment. This is already, in effect, the law in respect to the mint, and has been productive of the most salutary results. Whatever system is adopted, such an enactment would be wise as an independent measure, since much of the public moneys must, in their collection and ultimate disbursement, pass twice through the hands of public officers, in whatever manner they are immediately kept. The government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power can not always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation. It is a duty, therefore, which the government owes, as well to the interests committed to its care as to the officers themselves, to provide every guard against transgressions of this character, that is consistent with reason and humanity. Congress can not be too jealous of the conduct of those who are intrusted with the public money, and I shall at all times be disposed to encourage a watchful discharge of this duty.

If a more direct co-operation on the part of Congress, in the supervision of the conduct of the officers intrusted with the custody and application of the public money is deemed desirable, it will give me pleasure to assist in the establishment of any judicious and constitutional plan by which that object may be accomplished. You will, in your wisdom, determine upon the propriety of adopting such a plan, and upon the measures necessary to its effectual execution. When the late bank of the United States was incorporated, and made the depositary of the public moneys, a

right was reserved to Congress to inspect at its pleasure, by a committee of that body, the books and the proceedings of the bank. In one of the states whose banking institutions are supposed to rank among the first in point of stability, they are subjected to constant examination, by commissioners appointed for that purpose, and much of the success of its banking system is attributed to this watchful supervision.

The same course has also, in view of its beneficial operation, been adopted by an adjoining state, favorably known for the care it has always bestowed upon whatever relates to its financial concerns. I submit to your consideration whether a committee of Congress might not be profitably employed in inspecting, at such intervals as might be deemed proper, the affairs and accounts of officers intrusted with the custody of the public moneys. The frequent performance of this might be made obligatory on the committee in respect to those officers who have large sums in their possession, and left discretionary in respect to others. They might report to the executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for; and report, also, to Congress, at the commencement of each session, the result of their examinations and proceedings. It does appear to me that, with a subjection of this class of public officers to the general supervision of the executive, to examinations by a committee of Congress at periods of which they should have no previous notice, and to prosecution and punishment as for felony for every breach of trust, the safekeeping of the public moneys, under the system proposed, might be placed on a surer foundation than it has ever occupied since the establishment of the government.

The secretary of the treasury will lay before you additional information containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion can not be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the advancement of private interests, a return to the simple and self-denying ordinances of the constitution could not but be difficult. But time and free discussion, eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation, on one important point at least—the impropriety of diverting public money to private purposes—been fully realized. There is no reason to suppose that legislation upon that branch of the subject would be now embarrassed by a difference of opinion, or fail to receive the cordial support of a large majority of our constituents.

The connexion which formerly existed between the government and banks was in reality injurious to both, as well as to the general interests of the community at large. It aggravated the disasters of trade and the derangements of commercial intercourse, and administered new excitement and additional means to wild and reckless speculations, the disappointments of which threw the country into convulsions of panic, and all but produced violence and bloodshed. The imprudent expansion of bank credits, which was the natural result of the command of the revenues of the state, furnished the resources for unbounded license in every species of adventure, seduced industry from its regular and salutary occupations by the hope of abundance without labor, and deranged the social state by

tempting all trades and professions into the vortex of speculation on remote contingencies.

The same wide-spreading influence impeded also the resources of the government, curtailed its useful operations, embarrassed the fulfilment of its obligations, and seriously interfered with the execution of the laws. Large appropriations and oppressive taxes are the natural consequences of such a connexion, since they increase the profits of those who are allowed to use the public funds, and make it their interest that money should be accumulated and expenditures multiplied. It is thus that a concentrated money power is tempted to become an active agent in political affairs, and all past experience has shown on which side that influence will be arrayed. We deceive ourselves if we suppose that it will ever be found asserting and supporting the rights of the community at large, in opposition to the claims of the few.

In a government whose distinguishing characteristic should be a diffusion and equalization of its benefits and burdens, the advantage of individuals will be augmented at the expense of the mass of the people. Nor is it the nature of combinations for the acquisition of legislative influence to confine their interference to the single object for which they were originally formed. The temptation to extend it to other matters is, on the contrary, not unfrequently too strong to be resisted. The influence, in the direction of public affairs, of the community at large, is, therefore, in no slight danger of being sensibly and injuriously affected by giving to a comparatively small, but very efficient class, a direct and exclusive personal interest in so important a portion of the legislation of Congress as that which relates to the custody of the public moneys. If laws acting upon private interests can not always be avoided, they should be confined within the narrowest limits, and left, wherever possible, to the legislatures of the states. When not thus restricted, they lead to combinations of powerful associations, foster an influence necessarily selfish, and turn the fair course of legislation to sinister ends, rather than to objects that advance public liberty, and promote the general good.

The whole subject now rests with you, and I can not but express a hope that some definite measure will be adopted at the present session.

It will not, I am sure, be deemed out of place for me here to remark, that the declaration of my views in opposition to the policy of employing banks as depositaries of the government funds, can not justly be construed as indicative of hostility, official or personal, to those institutions; or to repeat in this form, and in connexion with this subject, opinions which I have uniformly entertained, and, on all proper occasions, expressed. Though always opposed to their creation in the form of exclusive privileges, and, as a state magistrate, aiming by appropriate legislation to secure the community against the consequences of their occasional mismanagement, I have yet ever wished to see them protected in the exercise of rights conferred by law, and have never doubted their utility, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. To the general government they present themselves merely as state institutions, having no necessary connexion with its legislation or its administration. Like other state establishments, they may be used or not in conducting the affairs of the government, as public policy and the general interests of the Union may seem to require.

The only safe or proper principle upon which their intercourse with the

government can be regulated, is that which regulates their intercourse with the private citizens—the conferring of mutual benefits. When the government can accomplish a financial operation better with the aid of the banks than without, it should be at liberty to seek that aid as it would the services of a private banker, or other capitalists or agents, giving the preference to those who will serve it on the best terms. Nor can there ever exist an interest in the officers of the general government, as such, inducing them to embarrass or annoy the state banks any more than to incur the hostility of any other class of state institutions, or of private citizens. It is not in the nature of things that hostility to those institutions can spring from this source, or any opposition to their course of business, except when they themselves depart from the objects of their creation, and attempt to usurp powers not conferred upon them, or to subvert the standard of value established by the constitution.

While opposition to their regular operations can not exist in this quarter, resistance to any attempt to make the government dependent upon them for the successful administration of public affairs, is a matter of duty, as I trust it will ever be of inclination, no matter from what motive or consideration the attempt may originate.

It is no more than just to the banks to say, that, in the late emergency, most of them firmly resisted the strongest temptations to extend their paper issues when apparently sustained in a suspension of specie payments by public opinion, even though in some cases invited by legislative enactments. To this honorable course, aided by the resistance of the general government, acting in obedience to the constitution and laws of the United States, to the introduction of an irredeemable paper medium, may be attributed, in a great degree, the speedy restoration of our currency to a sound state, and the business of the country to its wonted prosperity.

The banks have but to continue in the same safe course, and be content in their appropriate sphere, to avoid all interference from the general government, and to derive from it all the protection and benefits which it bestows on other state establishments, on the people of the states, and on the states themselves. In this, their true position, they can not but secure the confidence and good-will of the people and the government, which they can only lose when, leaping from their legitimate sphere, they attempt to control the legislation of the country, and pervert the operations of the government to their own purposes.

Our experience under the act passed at the last session, to grant preemption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you, in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco-trade, as indicated in the several resolutions of the house of representatives, and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular direction has been directed; and although we can not hope for an early change in their

policy, as in many of them a convenient and large revenue is derived from monopolies in the fabrication and sale of this article, yet, as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously and with equal facility obtained from another and a liberal system of administration, we can not doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially intrusted to, or necessarily affected by, the legislation of Congress.

The accompanying report of the secretary of war presents a satisfactory account of the state of the army, and of the several branches of the public service confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the army has been extensively and usefully employed during the past season.

I would again call to your notice the subjects connected with and essential to the military defences of the country, which were submitted to you at the last session; but which were not acted upon, as is supposed, for want of time. The most important of them is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Allegany mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the secretary of war for the distribution of the forces of the United States, in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquillity of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow-citizens, who are settled upon that border country, as well as the existence of the Indian population, which might be tempted by our want of preparation to rush on their own destruction and attack the white settlements—all seem to require that this subject should be acted upon without delay, and the war department authorized to place that country in a state of complete defence against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprize you of the entire removal of the Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long-standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on

the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal, also, of the entire Creek nation, with the exception of a small number of fugitives among the Seminoles in Florida; the progress already made toward a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long-established policy of the government upon the subject of Indian affairs entirely certain. The occasion is therefore deemed a proper one to place this policy in such a point of view as will exonerate the government of the United States from the undeserved reproach which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature, have only been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the federal and state governments; and detriment to the individual prosperity of the citizens, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the states and territories of the United States; their removal to a country west of the Mississippi much more extensive, and better adapted to their condition than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country for ever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has, it is true, from time to time given rise to conflicts of opinion and unjust imputations; but, in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the federal government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others where the civilized race has succeeded to the possessions of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offences can, however, be justly charged upon this government, since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout; its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting

them from individual frauds, unremitting ; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge, at least, a comparison with any nation, ancient or modern, in similar circumstances ; and if, in future times, a powerful, civilized, and happy nation of Indians shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy which has been so unjustly assailed. Only a very brief reference to facts in confirmation of this assertion can in this form be given, and you are, therefore, necessarily referred to the report of the secretary of war for further details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, thirteen millions five hundred and fifty-four thousand one hundred and thirty-five acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate, and in all respects better suited to their condition than the country they have left, in exchange for only nine millions four hundred and ninety-two thousand one hundred and sixty acres on the east side of the same river. The United States have, in addition, stipulated to pay them five millions six hundred thousand dollars for their interest in, and improvements on, the lands thus relinquished, and one million one hundred and sixty thousand dollars for subsistence and other beneficial purposes ; thereby putting it in their power to become one of the most wealthy and independent separate communities, of the same extent, in the world.

By the treaties made and ratified with the Miamies, the Chippewas, the Sioux, the Sacs and Foxes, and the Winnebagoes, during the last year, the Indian title to eighteen millions four hundred and fifty-eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have, with other Indian expenses, borne very heavily upon the treasury. They leave, however, but a small quantity of unbought Indian lands within the states and territories ; and the legislature and executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the senate, and received the sanction of Congress, by the appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge ; and I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States than would have been reasonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to one hundred and sixteen millions three hundred and forty-nine thousand eight hundred and ninety-seven acres, acquired since the 4th of March, 1829, the United States have paid seventy-two millions five hundred and sixty thousand and fifty-six dollars, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments and implements. When the heavy expenses incurred by the United States, and the circumstance that so large a portion of the entire territory will be for ever unsaleable, are considered, and this price is compared with that for which the United States sell their own lands, no one can

doubt that justice has been done to the Indians in these purchases also. Certain it is, that the transactions of the federal government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend of justice and humanity to learn, that notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and undeviating policy of the government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the west, is highly prosperous, and encourages the hope of their early civilization. They have, for the most part, abandoned the hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent, but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found at once a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings toward the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subdue their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the secretary of war, for their future government and protection, as well from each other, as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the government has given them a permanent home, and guarantied to them its peaceful and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government can not be too much insisted upon. The earliest effects will be to diminish the causes and occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and the motives for self-improvement. Intimately connected with this subject, is the establishment of the military defences recommended by the secretary of war, which have been already referred to. Without them, the government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering states.

The case of the Seminoles constitutes at present the only exception to the successful efforts of the government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about two thousand Indians. The continued treacherous conduct of these people; the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the territory

without distinction of age or sex, and making their way into the very centre and heart of the country, so that no part of it is free from their ravages; their frequent attacks on the lighthouses along that dangerous coast; and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked upon the reefs and keys which border the gulf, leave the government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the government to pursue this course toward the Seminoles. The United States have fulfilled in good faith all their treaty stipulations with the Indian tribes, and have, in every other instance, insisted upon a like performance of their obligations. To relax from this salutary rule, because the Seminoles have maintained themselves so long in the territory they had relinquished, and, in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evince a want of constancy on our part, but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention the plan submitted by the secretary of war in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the secretary of the navy herewith transmitted, it will appear, that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purpose of experience and discipline, and the protection of our commerce. So effectual has been this protection, that so far as the information of government extends, not a single outrage has been attempted on a vessel carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 19th of August last; and information has been received of its safe arrival at the island of Madeira. The best spirit animates the officers and crews, and there is every reason to anticipate, from its efforts, results beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whale fisheries of the Pacific ocean, and in the gulf of Mexico, require equal attention to their safety; and a small squadron may be employed to great advantage on our Atlantic coast, in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues

of profitable adventure; the absolute necessity of a naval force for its protection, precisely in the degree of its extension; a due regard to the national rights and honor; the recollection of its former exploits, and the anticipation of its future triumphs, whenever opportunity presents itself, which we may rightfully indulge from the experience of the past; all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

The progress and condition of the postoffice department will be seen by reference to the report of the postmaster-general. The extent of post-roads, covered by mail contracts, is stated to be one hundred and thirty-four thousand eight hundred and eighteen miles, and the annual transportation upon them thirty-four millions five hundred and eighty thousand two hundred and two miles. The number of postoffices in the United States is twelve thousand five hundred and fifty three, and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was four millions two hundred and sixty-two thousand one hundred and forty-five dollars. The accruing expenditures, four millions six hundred and eighty thousand and sixty-eight dollars; excess of expenditures, four hundred and seventeen thousand nine hundred and twenty-three dollars. This has been made up out of the surplus previously on hand. The cash on hand, on the first instant, was three hundred and fourteen thousand and sixty-eight dollars. The revenue for the year ending June 30, 1838, was one hundred and sixty-one thousand five hundred and forty dollars more than that for the year ending June 30, 1837. The expenditures of the department had been graduated upon the anticipation of a largely-increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and it will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the postmaster-general's report as relates to the transportation of the mails upon railroads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time protect the department from combinations and unreasonable demands.

Nor can I too earnestly request your attention to the necessity of providing a more secure building for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in its vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to the suggestions and recommendations submitted at the last session in respect to the District of Columbia.

I feel it my duty, also, to bring to your notice certain proceedings at law which have recently been prosecuted in this district, in the name of the United States, on the relation of Messrs. Stockton and Stokes, of the state of Maryland, against the postmaster-general, and which have resulted in the payment of money out of the national treasury, for the first time since the establishment of the government, by judicial compulsion, exercised by the common law writ of mandamus, issued by the circuit court of this district.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information

which you may desire will be supplied by the proper department. No interference in the particular case is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the postmaster-general to carry into effect an award made by the solicitor of the treasury, under a special act of Congress for the settlement of certain claims of the relators on the postoffice department, which award the postmaster-general declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the postmaster-general by that law was to be regarded as one of an official nature, belonging to his office as a branch of the executive, then it is obvious that the constitutional competency of the judiciary to direct and control him in its discharge, was necessarily drawn in question. And if the duty so imposed on the postmaster-general was to be considered as merely ministerial, and not executive, it yet remained to be shown that the circuit court of this district had authority to interfere by mandamus—such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the circuit court was carried, by a writ of error, to the supreme court of the United States. In the opinion of that tribunal, the duty imposed on the postmaster-general was not an official executive duty, but one of a merely ministerial nature. The grave constitutional questions which had been discussed were therefore excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the executive, no other department can interfere by the writ of mandamus; and the question therefore resolved itself into this: Has Congress conferred upon the circuit court of this district the power to issue such a writ to an officer of the general government, commanding him to perform a ministerial act? A majority of the court have decided that it has, but have founded their decision upon process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interests and the equal administration of justice.

It has long since been decided by the supreme court, that neither that tribunal nor the circuit courts of the United States held within the respective states, possess the power in question; but it is now held that this power, denied to both these high tribunals (to the former by the constitution, and to the latter by Congress), has been, by its legislation, vested in the circuit court of this district. No such direct grant of power to the circuit court of this district is claimed; but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the cession, should be in force in that part of the district ceded by that state; and, by this provision, the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the district.

In England, the court of king's bench—because the sovereign, who, according to the theory of the constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present, in construction of law—alone possesses the high power of issuing the writ of mandamus,

not only to inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the king's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that, as the supreme court of the United States is, by the constitution, rendered incompetent to exercise this power, and as the circuit court of this district is a court of general jurisdiction in cases at common law, and the highest court of original jurisdiction in the district, the right to issue the writ of mandamus is incident to its common-law powers. Another ground relied upon to maintain the power in question is, that it was included, by fair construction, in the power it granted to the circuit courts of the United States, by the act "to provide for the more convenient organization of the courts of the United States," passed 13th of February, 1801; that the act establishing the circuit court of this district, passed the 27th of February, 1801, conferred upon that court and the judges thereof the same powers as were by law vested in the circuit courts of the United States and in the judges of the said courts; that the repeal of the first-mentioned act, which took place in the next year, did not divest the circuit court of this district of the authority in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the United States by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this district confers on the circuit court thereof, in that portion, the transcendent extra-judicial prerogative powers of the court of king's bench, in England, or that either of the acts of Congress, by necessary implication, authorizes the former court to issue a writ of mandamus to an officer of the United States, to compel him to perform a ministerial duty, the consequences are in one respect the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision: those in the states to one rule, and those in the District of Columbia to another, and a very different one. In the district their official conduct is subject to a judicial control from which in the state they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of government constituted like that of the United States, all must agree that these disparaging discrepancies in the law and in the administration of justice, ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

SPECIAL MESSAGE.

DECEMBER 6, 1838.

To the Senate and House of Representatives of the United States:—

THE act of the 1st July, 1836, to enable the executive to assert and prosecute, with effect, the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, having received its entire execution, and the amount recovered and paid into the treasury having, agreeably to an act of the last session, been invested in state

stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfil the object of the bequest. In order to obtain such information as might serve to facilitate its attainment, the secretary of state was directed, in July last, to apply to persons versed in science, and familiar with the subject of public education, for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind. Copies of the circular letter, written in compliance with these directions, and of the answers to it received at the department of state, are herewith communicated for the consideration of Congress.

SPECIAL MESSAGE

FEBRUARY 26, 1839.

To the Senate and House of Representatives:—

I LAY before Congress several despatches from his excellency the governor of Maine, with enclosures, communicating certain proceedings of the legislature of that state, and a copy of the reply of the secretary of state, made by my direction, together with a note from H. S. Fox, Esq., envoy extraordinary and minister plenipotentiary of Great Britain, with the answer of the secretary of state to the same.

It will appear from these documents, that a numerous band of lawless and desperate men, chiefly from the adjoining British provinces, but without the authority or sanction of the provincial government, had trespassed upon that portion of the territory in dispute between the United States and Great Britain which is watered by the river Aroostook, and claimed to belong to the state of Maine; and that they had committed extensive depredations there, by cutting and destroying a very large quantity of timber. It will further appear that the governor of Maine, having been officially apprized of the circumstances, had communicated it to the legislature, with a recommendation of such provisions, in addition to those already existing by law, as would enable him to arrest the course of said depredations, disperse the trespassers, and secure the timber which they were about carrying away; that, in compliance with a resolve of the legislature, passed in pursuance of his recommendation, his excellency had despatched the land agent of the state, with a force deemed adequate to that purpose, to the scene of the alleged depredations, who, after accomplishing a part of his duty, was seized by a band of the trespassers, at a house claimed to be within the jurisdiction of Maine, whither he had repaired for the purpose of meeting and consulting with the land agent of the province of New Brunswick, and conveyed as a prisoner to Fredericton, in that province, together with two other citizens of the state, who were assisting him in the discharge of his duty.

It will also appear that the governor and legislature of Maine, satisfied that the trespassers had acted in defiance of the laws of both countries, learning that they were in possession of arms, and anticipating (correctly, as the result has proved) that persons of their reckless and desperate character would set at naught the authority of the magistrates, without the aid of strong force, had authorized the sheriff, and the officer appointed in the place of the land agent, to employ, at the expense of the state, an

armed posse, who had proceeded to the scene of these depredations, with a view to the entire dispersion or arrest of the trespassers, and the protection of public property.

In the correspondence between the governor of Maine and Sir John Harvey, lieutenant-governor of the province of New Brunswick, which has grown out of the occurrences, and is likewise herewith communicated, the former is requested to recall the armed party advanced into the disputed territory for the arrest of trespassers, and is informed that a strong body of British troops is to be held in readiness to support and protect the authority and subjects of Great Britain in said territory. In answer to that request, the provincial governor is informed of the determination of the state of Maine to support the land agent and his party, in the performance of their duty; and the same determination, for the execution of which provision is made by a resolve of the state legislature, is communicated by the governor to the general government.

The lieutenant-governor of New Brunswick, in calling upon the governor of Maine for the recall of the land agent and his party from the disputed territory, and the British minister, in making a similar demand upon the government of the United States, proceed upon the assumption that an agreement exists between the two nations, conceding to Great Britain, until the final settlement of the boundary question, exclusive passession of, and jurisdiction over, the territory in dispute. The important bearing which such an agreement, if it existed, would have upon the condition and interests of the parties, and the influence it might have upon the adjustment of the dispute, are too obvious to allow the error upon which this assumption seems to rest, to pass for a moment without correction. The answer of the secretary of state to Mr. Fox's note will show the ground taken by the government of the United States upon this point. It is believed that all the correspondence which has passed between the two governments upon this subject has already been communicated to Congress, and is now on their files. An abstract of it, however, hastily prepared, accompanies this communication. It is possible that in thus abridging a voluminous correspondence, commencing in 1825, and continuing to a very recent period, a portion may have been accidentally overlooked; but it is believed that nothing has taken place which would materially change the aspect of the question as therein presented. Instead of sustaining the assumption of the British functionaries, that correspondence disproves the existence of any such agreement. It shows that the two governments have differed, not only in regard to the main question of title to the territory in dispute, but with reference also to the right of jurisdiction, and the fact of the actual exercise of it in different portions thereof. Always aiming at an amicable adjustment, both parties have entertained, and repeatedly urged upon each other, a desire that each should exercise its rights, whatever it considered them to be, in such a manner as to avoid collision, and allay, to the greatest practicable extent, the excitement likely to grow out of the controversy. It was in pursuance of such an understanding that Maine and Massachusetts, upon the remonstrance of Great Britain, desisted from making sales of lands; and the general government, from the construction of a projected military road in a portion of the territory of which they claimed to have enjoyed the exclusive possession; and that Great Britain, on her part, in deference to a similar remonstrance from the United States, suspended the issue of licenses to cut timber in the territory in controversy, and also the survey and location of

a railroad through a section of country over which she also claimed to have exercised exclusive jurisdiction.

The state of Maine had a right to arrest the depredations complained of; it belonged to her to judge of the exigency of the occasion calling for her interference, and it is presumed, that had the lieutenant-governor of New Brunswick been correctly advised of the nature of the proceedings of the state of Maine, he would not have regarded the transaction as requiring, on his part, any resort to force. Each party claiming a right to the territory, and hence to the exclusive jurisdiction over it, it is manifest that, to prevent the destruction of timber by trespassers, acting against the authority of both, and at the same time avoid forcible collision between the contiguous governments during the pendency of negotiations concerning the title, resort must be to the mutual exercise of jurisdiction in such extreme cases, or to an amicable and temporary arrangement as to the limits within which it should be exercised by each party. The understanding supposed to exist between the United States and Great Britain has been found heretofore sufficient for that purpose, and I believe will prove hereafter, if the parties on the frontier, directly interested in the question, are respectively governed by a just spirit of conciliation and forbearance. If it shall be found, as there is now reason to apprehend, that there is, in the modes of construing that understanding by the two governments, a difference not to be reconciled, I shall not hesitate to propose to her Britannic majesty's government a distinct arrangement for the temporary and mutual exercise of jurisdiction, by means of which similar difficulties may in future be prevented.

But, between an effort on the part of Maine to preserve the property in dispute from destruction by intruders, and a military occupation by that state of the territory, with a view to hold it by force, while the settlement is a subject of negotiation between the two governments, there is an essential difference, as well in respect to the position of the state as to the duties of the general government. In a letter addressed by the secretary of state to the governor of Maine, on the 1st of March last, giving a detailed statement of the steps which had been taken by the federal government to bring the controversy to a termination, and designed to apprize the governor of that state of the views of the federal executive in respect to the future, it was stated, that, while the obligations of the federal government to do all in its power to effect the settlement of the boundary question was fully recognised, it had, in the event of being unable to do so specifically, by mutual consent, no other means to accomplish that object amicably than by another arbitration, or by a commission with an umpire in the nature of an arbitration; and that, in the event of all other measures failing, the president would feel it his duty to submit another proposition to the government of Great Britain to refer the decision of the question to a third power. These are still my views upon the subject; and, until this step shall have been taken, I can not think it proper to invoke the attention of Congress to other than amicable means for the settlement of the controversy, or to cause the military power of the federal government to be brought in aid of the state of Maine, in any attempt to effect the object by a resort to force.

On the other hand, if the authorities of New Brunswick should attempt to enforce the claim of exclusive jurisdiction set up by them, by means of a military occupation on their part, of the disputed territory, I shall feel myself bound to consider the contingency provided by the constitution as

having occurred, on the happening of which a state has the right to call for the aid of the federal government to repel invasion.

I have expressed to the British minister near this government a confident expectation that the agents of the state of Maine, who have been arrested under an obvious misapprehension of a collision with the government or people of the British province, will be voluntarily and peaceably disbanded.

I can not allow myself to doubt that the results anticipated from these representations will be reasonably realized. The parties more immediately interested can not but perceive that an appeal to arms, under existing circumstances, will not only prove fatal to their present interest, but would postpone, if not defeat, the attainment of the main objects which they have in view. The very incidents which have recently occurred will necessarily awaken the governments to the importance of promptly adjusting a dispute by which it is now made manifest that the peace of the two nations is daily and imminently endangered. The expectation is further warranted by the general forbearance which has hitherto characterized the conduct of the governments and people on both sides of the line. In the uniform patriotism of Maine, her attachment to the Union, her respect for the wishes of the people of her sister states (of whose interest in her welfare she can not be unconscious), and in the solicitude felt by the country at large for the preservation of peace with our neighbors, we have a strong guarantee that she will not disregard the request that has been made of her.

As, however, the session of Congress is about to terminate, and the agency of the executive may become necessary during the recess, it is important that the attention of the legislature should be drawn to the important consideration of such measures as may be calculated to obviate the necessity of a call for an extra session. With that view, I have thought it my duty to lay the whole matter before you, and to invite such action thereon as you may think the occasion requires.

THIRD ANNUAL MESSAGE.

DECEMBER 24, 1839.

Fellow-Citizens of the Senate and House of Representatives:—

I REGRET that I can not, on this occasion, congratulate you that the past year has been one of unalloyed prosperity. The ravages of fire and disease have painfully afflicted otherwise flourishing portions of our country; and serious embarrassments yet derange the trade of many of our cities. But, notwithstanding these adverse circumstances, that general prosperity which has been heretofore so bountifully bestowed upon us by the Author of all good, still continues to call for our warmest gratitude. Especially have we reason to rejoice in the exuberant harvests which have lavishly recompensed well-directed industry, and given to it that sure reward which is vainly sought in visionary speculations. I can not indeed view, without peculiar satisfaction, the evidences afforded by the past season of the benefits that spring from the steady devotion of the husbandman to his honorable pursuit. No means of individual comfort is more certain, and no source of national prosperity is so sure. Nothing can compensate a people for a

dependence upon others for the bread they eat; and that cheerful abundance on which the happiness of every one so much depends, is to be looked for nowhere with such sure reliance as in the industry of the agriculturist and the bounties of the earth.

With foreign countries, our relations exhibit the same favorable aspect which was presented in my last annual message, and afford continued proof of the wisdom of the pacific, just, and forbearing policy adopted by the first administration of the federal government, and pursued by its successors. The extraordinary powers vested in me by an act of Congress, for the defence of the country in an emergency, considered so far probable as to require that the executive should possess ample means to meet it, have not been exerted. They have, therefore, been attended with no other result than to increase, by the confidence thus reposed in me, my obligations to maintain, with religious exactness, the cardinal principles that govern our intercourse with other nations. Happily, in our pending questions with Great Britain, out of which this unusual grant of authority arose, nothing has occurred to require its exertion; and as it is about to return to the legislature, I trust that no future necessity may call for its exercise by them, or its delegation to another department of the government.

For the settlement of our northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British government for its consideration. A just regard to the delicate state of this question, and a proper respect for the natural impatience of the state of Maine, not less than a conviction that the negotiation has been already protracted longer than is prudent on the part of either government, have led me to believe that the present favorable moment should, on no account, be suffered to pass without putting the question for ever at rest. I feel confident that the government of her Britannic majesty will take the same view of this subject, as I am persuaded it is governed by desires equally strong and sincere for the amicable termination of the controversy.

To the intrinsic difficulties of questions of boundary lines, especially those described in regions unoccupied, and but partially known, is to be added in our country the embarrassment necessarily arising out of our constitution, by which the general government is made the organ of negotiating and deciding upon the particular interests of the states on whose frontiers these lines are to be traced. To avoid another controversy in which a state government might rightfully claim to have her wishes consulted, previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought it necessary to call the attention of the government of Great Britain to another portion of our conterminous dominion, of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, stipulations for the settlement of which are to be found in the seventh article of the treaty of Ghent. The commissioners appointed under that article by the two governments having differed in their opinions, made separate reports, according to its stipulations, upon the points of disagreement, and these differences are now to be submitted to the arbitration of some friendly sovereign or state. The disputed points should be settled, and the line designated, before the territorial government of which it is one of the boundaries, takes its place in the Union

as a state, and I rely upon the cordial co-operation of the British government to effect that object.

There is every reason to believe that disturbances, like those which lately agitated the neighboring British provinces, will not again prove the sources of border contentions, or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain.

Within the provinces themselves, tranquillity is restored, and on our frontier, that misguided sympathy in favor of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction strongly opposed to all intermeddling with the internal affairs of our neighbors. The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavoring to improve the political condition of mankind. This generous feeling they cherish toward the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors. But it does not belong to their character, as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith toward foreign nations. If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observation, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law.

Recent information also leads me to hope that the emigrants from her majesty's provinces, who have sought refuge within our boundaries, are disposed to become peaceable residents, and to abstain from all attempts to endanger the peace of that country which has afforded them an asylum. On a review of the occurrences on both sides of the line, it is satisfactory to reflect, that in almost every complaint against our country, the offence may be traced to emigrants from the provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own government, but met with the decided disapprobation of the people of the United States.

I regret to state the appearance of a different spirit among her majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions which have been so frequently expressed there, and the disregard of our rights which has been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the provinces. The chief officers in Canada fortunately have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

I look forward anxiously to a period when all the transactions which have grown out of this condition of our affairs, and which have been made the subjects of complaint and remonstrance by the two governments re-

spectively, shall be fully examined, and the proper satisfaction given where it is due from either side.

Nothing has occurred to disturb the harmony of our intercourse with Austria, Belgium, Denmark, France, Naples, Portugal, Prussia, Russia, or Sweden. The internal state of Spain has sensibly improved, and a well-grounded hope exists that the return of peace will restore to the people of that country their former prosperity, and enable the government to fulfil all its obligations at home and abroad. The government of Portugal, I have the satisfaction to state, has paid in full the eleventh and last instalment due to our citizens for the claims embraced in the settlement made with it on the 3d of March, 1837.

I lay before you treaties of commerce negotiated with the kings of Sardinia and of the Netherlands, the ratifications of which have been exchanged since the adjournment of Congress. The liberal principles of these treaties will recommend them to your approbation. That with Sardinia is the first treaty of commerce formed by that kingdom, and it will, I trust, answer the expectations of the present sovereign, by aiding the development of the resources of his country, and stimulating the enterprise of his people. That with the Netherlands happily terminates a long-existing subject of dispute, and removes from our future commercial intercourse all apprehension of embarrassment. The king of the Netherlands has also, in further illustration of his character for justice, and of his desire to remove every cause of dissatisfaction, made compensation for an American vessel captured in 1800 by a French privateer, and carried into Curaçoa, where the proceeds were appropriated to the use of the colony, then, and for a short time after, under the dominion of Holland.

The death of the late sultan has produced no alteration in our relations with Turkey. Our newly-appointed minister resident has reached Constantinople, and I have received assurances from the present ruler that the obligations of our treaty and those of friendship will be fulfilled by himself in the same spirit that actuated his illustrious father.

I regret to be obliged to inform you that no convention for the settlement of the claims of our citizens upon Mexico has yet been ratified by the government of that country. The first convention formed for that purpose was not presented by the president of Mexico for the approbation of its Congress, from a belief that the king of Prussia, the arbitrator in case of disagreement in the joint commission to be appointed by the United States and Mexico, would not consent to take upon himself that friendly office. Although not entirely satisfied with the course pursued by Mexico, I felt no hesitation in receiving in the most conciliatory spirit the explanation offered, and also cheerfully consented to a new convention, in order to arrange the payments proposed to be made to our citizens in a manner which, while equally just to them, was deemed less onerous and inconvenient to the Mexican government. Relying confidently upon the intentions of that government, Mr. Ellis was directed to repair to Mexico, and diplomatic intercourse has been resumed between the two countries. The new convention has, he informs us, been recently submitted by the president of that republic to its Congress, under circumstances which promise a speedy ratification; a result which I can not allow myself to doubt.

Instructions have been given to the commissioner of the United States under our convention with Texas, for the demarcation of the line which separates us from that republic. The commissioners of both governments

met in New Orleans in August last. The joint commission was organized and adjourned to convene at the same place on the 12th of October. It is presumed to be now in the performance of its duties.

The new government of Texas has shown its desire to cultivate friendly relations with us, by a prompt reparation for injuries complained of in the cases of two vessels of the United States.

With Central America a convention has been concluded for the renewal of its former treaty with the United States. This was not ratified before the departure of our late chargé d'affaires from that country, and the copy of it brought by him was not received before the adjournment of the senate at its last session. In the meanwhile, the period limited for the exchange of ratifications having expired, I deemed it expedient, in consequence of the death of the chargé d'affaires, to send a special agent to Central America, to close the affairs of our mission there, and to arrange with the government an extension of the time for the exchange of ratifications.

The commission created by the states which formerly composed the republic of Colombia, for adjusting the claims against that government, has, by a very unexpected construction of the treaty under which it acts, decided that no provision was made for those claims of citizens of the United States which arose from captures by Colombian privateers, and were adjudged against the claimants in the judicial tribunals. This decision will compel the United States to apply to the several governments formerly united for redress. With all these—New Grenada, Venezuela, and Ecuador—a perfectly good understanding exists. Our treaty with Venezuela is faithfully carried into execution, and that country, in the enjoyment of tranquillity, is gradually advancing to prosperity under the guidance of its present distinguished president, General Paez. With Ecuador, a liberal commercial convention has lately been concluded, which will be transmitted to the senate at an early day.

With the great American empire of Brazil our relations continue unchanged, as does our friendly intercourse with the other governments of South America—the Argentine republic, and the republics of Uraguay, Chili, Peru, and Bolivia. The dissolution of the Peru-Bolivian confederation may occasion some temporary inconvenience to our citizens in that quarter, but the obligations on the new governments which have arisen out of that confederation, to observe its treaty stipulations, will no doubt be soon understood, and it is presumed that no indisposition will exist to fulfil those which it contracted with the United States.

The financial operations of the government during the present year have, I am happy to say, been very successful. The difficulties under which the treasury department has labored, from known defects in the existing laws relative to the safekeeping of the public moneys, aggravated by the suspension of specie payments by several of the banks holding public deposites, or indebted to public officers for notes received in payment of public dues, have been surmounted to a very gratifying extent. The large current expenditures have been punctually met, and the faith of the government in all its pecuniary concerns has been scrupulously maintained.

The nineteen millions of treasury-notes authorized by the act of Congress of 1837, and the modifications thereof, with a view to the indulgence of merchants on their duty bonds, and of the deposite banks in the payment of public moneys held by them, have been so punctually redeemed

as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these, the chief portion is not due till next year, and the whole would have been already extinguished, could the treasury have realized the payments due to it from the banks. If those due from them during the next year, shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding treasury-notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes. To avoid this, and to keep the expenditures within reasonable bounds, is a duty, second only in importance to the preservation of our national character, and the protection of our citizens in their civil and political rights. The creation, in time of peace, of a debt likely to become permanent, is an evil for which there is no equivalent. The rapidity with which many of the states are apparently approaching to this condition, admonishes us of our own duties, in a manner too impressive to be disregarded. One, not the least important, is to keep the federal government always in a condition to discharge with ease and vigor its highest functions, should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed, and which may occur when least expected. To this end, it is indispensable that its finances should be untrammelled, and its resources, as far as practicable, unincumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects, than the creation of an onerous national debt. Our own experience, and also that of other nations, has demonstrated the unavoidable and fearful rapidity with which a public debt is increased, when the government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare; and it is, at the same time, the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of state have never failed to chasten and invigorate republican principles, while these have been as surely subverted by national prodigality, under whatever specious pretext it may have been introduced or fostered.

These considerations can not be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves; but at the present moment their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and especially the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed, it is probable that the diminution resulting from the last cause alone, will not fall far short of five millions of dollars in the year 1842, as the final reduction of all duties to twenty per cent. then takes effect. The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the legislature rest the power and duty of so adjusting the public

expenditure as to promote this end. By the provisions of the constitution, it is only in consequence of appropriations made by law, that money can be drawn from the treasury; no instance has occurred since the establishment of the government in which the executive, though a component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered as fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind toward this subject, both the executive and the legislature have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you.

At the time I entered upon my present duties, our ordinary disbursements—without including those on account of the public debt, the post-office, and the trust funds in charge of the government—had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses which grew out of an overflowing treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835, had, by these causes, swelled to twenty-nine millions in 1836, and the appropriations for 1837, made previously to the 4th of March, caused the expenditures to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year, 1839, will not, in all probability, exceed twenty-six millions—or six millions less than it was last year. With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839, by over five millions of dollars.

The precautionary measures which will be recommended by the secretary of the treasury, to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention.

On a former occasion your attention was invited to various considerations in support of a pre-emption law in behalf of the settlers on the public lands; and also of a law graduating the prices for such lands as had been long in the market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject has been attended with the happiest consequences, in quieting titles, and securing improvements to the industrious; and it has also, to a very gratifying extent, been exempt from the frauds which were practised under previous pre-emption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the treasury.

The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial.

Your early consideration of the subject is therefore once more earnestly requested.

The present condition of the defences of our principal seaports and navy-

yards, as represented by the accompanying report of the secretary of war, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, I can not recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

In conformity with the expressed wishes of Congress, an attempt was made in the spring to terminate the Florida war by negotiation. It is to be regretted that these humane intentions should have been frustrated, and that the effort to bring these unhappy difficulties to a satisfactory conclusion should have failed. But after entering into solemn engagements with the commanding general, the Indians, without any provocation, recommenced their acts of treachery and murder. The renewal of hostilities in that territory renders it necessary that I should recommend to your favorable consideration the plan which will be submitted to you by the secretary of war, in order to enable that department to conduct them to a successful issue.

Having had an opportunity of personally inspecting a portion of the troops during the last summer, it gives me pleasure to bear testimony to the success of the effort to improve their discipline, by keeping them together in as large bodies as the nature of our service will permit. I recommend, therefore, that commodious and permanent barracks be constructed at the several posts designated by the secretary of war. Notwithstanding the high state of their discipline and excellent police, the evils resulting to the service, from the deficiency of company-officers, were very apparent, and I recommend that the staff-officers be permanently separated from the line.

The navy has been usefully and honorably employed in protecting the rights and property of our citizens, wherever the condition of affairs seemed to require its presence. With the exception of one instance, where an outrage, accompanied by murder, was committed on a vessel of the United States while engaged in a lawful commerce, nothing is known to have occurred to impede or molest the enterprise of our citizens on that element where it is so signally displayed. On learning this daring act of piracy, Commodore Reed proceeded immediately to the spot, and receiving no satisfaction, either in the surrender of the murderers, or the restoration of the plundered property, inflicted severe and merited chastisement on the barbarians.

It will be seen by the report of the secretary of the navy respecting the disposition of our ships-of-war, that it has been deemed necessary to station a competent force on the coast of Africa, to prevent a fraudulent use of our flag by foreigners.

Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad, are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners, and navigating the ocean, an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the slave-trade —a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that, without impeding the freedom and facilities of our navigation, or impairing an important branch of our industry connected

with it, the integrity and honor of our flag may be carefully preserved. Information from our consul at Havana, showing the necessity of this, was communicated to a committee of the senate, near the close of the last session, but too late, as it appeared, to be acted upon. It will be brought to your notice by the proper department, with additional communications from other sources.

The latest accounts from the exploring expedition represent it as proceeding successfully in its objects, and promising results no less useful to trade and navigation than to science.

The extent of postroads covered by mail service on the first of July last was about one hundred and thirty-three thousand nine hundred and ninety-nine miles, and the rate of annual transportation upon them thirty-four millions four hundred and ninety-six thousand eight hundred and seventy-eight miles. The number of postoffices on that day was twelve thousand seven hundred and eighty; and on the 30th ultimo, thirteen thousand and twenty-eight.

The revenue of the postoffice department for the year ending with the 30th June last, was four millions four hundred and seventy-six thousand six hundred and thirty-eight dollars—exhibiting an increase over the preceding year of two hundred and forty-one thousand five hundred and sixty dollars. The engagements and liabilities of the department, for the same period, are four millions six hundred and twenty-four thousand one hundred and seventeen dollars.

The excess of liabilities over the revenue for the last two years has been met out of the surplus which had previously accumulated. The cash on hand, on the 30th ultimo, was about two hundred and six thousand seven hundred and one dollars and ninety-five cents, and the current income of the department varies very little from the rate of current expenditures. Most of the service suspended last year has been restored, and most of the new routes established by the act of 7th July, 1838, have been set in operation at an annual cost of one hundred and thirty-six thousand nine hundred and sixty-three dollars. Notwithstanding the pecuniary difficulties of the country, the revenue of the department appears to be increasing; and unless it shall be seriously checked by the recent suspension of payment by so many of the banks, it will be able, not only to retain the present mail service, but in a short time to extend it. It is gratifying to witness the promptitude and fidelity with which the agents of this department in general perform their public duties.

Some difficulties have arisen in relation to contracts for the transportation of the mails by railroad and steamboat companies. It appears that the maximum of compensation provided by Congress for the transportation of the mails upon railroads is not sufficient to induce some of the companies to convey them at such hours as are required for the accommodation of the public. It is one of the most important duties of the general government to provide and maintain for the people of the states, the best practicable mail establishment. To arrive at that end, it is indispensable that the postoffice department shall be enabled to control the hours at which the mails shall be carried over railroads as it now does over all other roads. Should serious inconveniences arise from the inadequacy of the compensation now provided by law, or by unreasonable demands from any of the railroad companies, the subject is of such general importance as to require the prompt attention of Congress.

In relation to steamboat lines, the most efficient remedy is obvious, and has been suggested by the postmaster-general.

The war and navy departments already employ steamboats in their service; and, although it is by no means desirable that the government should undertake the transportation of passengers or freight as a business, there can be no reasonable objection to running boats, temporarily, whenever it may be necessary to put down attempts at extortion, to be discontinued as soon as reasonable contracts can be obtained.

The suggestions of the postmaster-general relative to the inadequacy of the legal allowance to witnesses in cases of prosecutions for mail depredations, merit your serious consideration. The safety of the mails require that such prosecutions shall be efficient, and justice to the citizen, whose time is required to be given to the public, demands not only that his expenses shall be paid, but that he shall receive a reasonable compensation.

The reports from the war, navy, and postoffice departments, will accompany this communication, and one from the treasury department will be presented to Congress in a few days.

For various details in respect to the matters in charge of these departments, I would refer you to those important documents, satisfied that you will find in them many valuable suggestions, which will be found well deserving the attention of the legislature.

From a report made in December of last year by the secretary of state, to the senate, showing the trial docket of each of the circuit courts, and the number of miles each judge has to travel in the performance of his duties, a great inequality appears in the amount of labor assigned to each judge. The number of terms to be held in each of the courts composing the ninth circuit, the distances between the places at which they sit, and thence to the seat of government, are represented to be such as to render it impossible for the judge of that circuit to perform, in a manner corresponding with the public exigencies, his term and circuit duties. A revision, therefore, of the present arrangement of the circuit seems to be called for, and is recommended to your notice.

I think it proper to call your attention to the power assumed by territorial legislatures to authorize the issue of bonds by corporate companies on the guarantee of the territory. Congress passed a law in 1836, providing that no act of a territorial legislature incorporating banks should have the force of law until approved by Congress; but acts of a very exceptionable character previously passed by the legislature of Florida, were suffered to remain in force, by virtue of which bonds may be issued to a very large amount by those institutions, upon the faith of the territory. A resolution, intended to be a joint one, passed the senate at the same session, expressing the sense of Congress that the laws in question ought not to be permitted to remain in force unless amended in many material respects; but it failed in the house of representatives for want of time, and the desired amendments have not been made. The interests involved are of great importance, and the subject deserves your early and careful attention.

The continued agitation of the question relative to the best mode of keeping and disbursing the public money, still injuriously affects the business of the country. The suspension of specie payments in 1837 rendered the use of deposite banks, as prescribed by the act of 1836, a source rather of embarrassment than aid, and of necessity placed the custody of most

of the public money afterward collected in charge of the public officers. The new securities for its safety, which this required, were a principal cause of my convening an extra session of Congress; but in consequence of a disagreement between the two houses, neither then, nor at any subsequent period, has there been any legislation on the subject. The effort made at the last session to obtain the authority of Congress to punish the use of public money for private purposes as a crime, a measure attended under other governments with signal advantage, was also unsuccessful, from diversities of opinion in that body, notwithstanding the anxiety doubtless felt by it to afford every practicable security. The result of this is still to leave the custody of the public money without those safeguards which have been for several years earnestly desired by the executive; and as the remedy is only to be found in the action of the legislature, it imposes on me the duty of again submitting to you the propriety of passing a law, providing for the safekeeping of the public moneys, and especially to ask that its use for private purposes by any officers intrusted with it, may be declared to be a felony, punishable with penalties proportioned to the magnitude of the offence.

These circumstances, added to known defects in the existing laws, and unusual derangement in the general operations of trade, have, during the last three years, much increased the difficulties attendant on the collection, keeping, and disbursement of the revenue, and called forth corresponding exertions from those having them in charge. Happily, these have been successful beyond expectation. Vast sums have been collected and disbursed by the several departments with unexpected cheapness and ease; transfers have been readily made to every part of the Union, however distant; and defalcations have been far less than might have been anticipated, from the absence of adequate legal restraints. Since the officers of the treasury and postoffice departments were charged with the custody of most of the public moneys, there have been collected sixty-six millions of dollars, and, excluding the case of the late collector at New York, the aggregate amount of losses sustained in the collection can not, it is believed, exceed sixty thousand dollars. The defalcation of the late collector of that city, of the extent and circumstances of which Congress has been fully informed, ran through all the modes of keeping the public money that have been hitherto in use, and was distinguished by an aggravated disregard of duty, that broke through the restraints of every system, and can not, therefore, be usefully referred to as a test of the comparative safety of either.

Additional information will also be furnished by the report of the secretary, in reply to a call made upon that officer by the house of representatives at the last session, requiring detailed information on the subject of defaults, by public officers or agents, under each administration, from 1789 to 1837. This document will be submitted to you in a few days. The general results (independent of the postoffice, which is kept separately, and will be stated by itself), so far as they bear upon this subject, are, that the losses which have been, and are likely to be, sustained by any class of agents have been—the greatest by banks, including, as required in the resolution, their depreciated paper received for public dues; that the next largest have been by disbursing officers, and the least by collectors and receivers. If the losses on duty bonds are included, they will alone be threefold those by both collectors and receivers. Our whole experience, therefore, furnishes the strongest evidence that the de-

sired legislation of Congress is alone wanting to insure in those operations the highest degree of security and facility. Such also appears to have been the experience of other nations. From the results of inquiries made by the secretary of the treasury in regard to the practice among them, I am enabled to state that, in twenty-two out of twenty-seven foreign governments, from which undoubted information has been obtained, the public moneys have been kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration.

In the modes of business and official restraints on disbursing officers, no legal change was produced by the suspension of specie payments. The report last referred to will be found to contain also much useful information in relation to this subject.

I have heretofore assigned to Congress my reasons for believing that the establishment of an independent national treasury, as contemplated by the constitution, is necessary to the safe action of the federal government. The suspension of specie payments in 1837, by the banks having the custody of the public money, showed, in so alarming a degree, our dependence on those institutions for the performance of duties required by law, that I then recommended the entire dissolution of that connexion. This recommendation has been subjected, as I desired it should be, to severe scrutiny and animated discussion; and I allow myself to believe that, notwithstanding the natural diversities of opinion which may be anticipated on all subjects involving such important considerations, it has secured in its favor as general a concurrence of public sentiment as could be expected on one of such magnitude.

Recent events have also continued to develop new objections to such a connexion. Seldom is any bank, under the existing system and practice, able to meet, on demand, all its liabilities for deposites and notes in circulation. It maintains specie payments, and transacts a profitable business, only by the confidence of the public in its solvency; and whenever this is destroyed, the demands of its depositors and note-holders—pressed more rapidly than it can make collections from its debtors—force it to stop payment. This loss of confidence, with its consequences, occurred in 1837, and afforded the apology of the banks for their suspension. The public then acquiesced in the validity of the excuse; and while the state legislatures did not exact from them their forfeited charters, Congress, in accordance with the recommendation of the executive, allowed them time to pay over the public money they held, although compelled to issue treasury-notes to supply the deficiencies thus created.

It now appears that there are other motives than a want of public confidence under which the banks seek to justify themselves in a refusal to meet their obligations. Scarcely were the country and government relieved, in a degree, from the difficulties occasioned by the general suspension of 1837, when a partial one, occurring within thirty months of the former, produced new and serious embarrassments, though it had no palliation in such circumstances as were alleged in justification of that which had previously taken place. There was nothing in the condition of the country to endanger a well-managed banking institution; commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards; and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and storehouses filled with a surplus for exportation. It is in the midst

of this, that an irredeemable and depreciated paper currency is entailed upon the people by a large portion of the banks. They are not driven to it by the exhibition of a loss of public confidence, or of a sudden pressure from their depositors or note-holders; but they excuse themselves by alleging that the current of business, and exchange with foreign countries, which draws the precious metals from their vaults, would require, in order to meet it, a larger curtailment of their loans to a comparatively small portion of the community, than it will be convenient for them to bear, or perhaps safe for the banks to exact. The plea has ceased to be one of necessity. Convenience and policy are now deemed sufficient to warrant these institutions in disregarding their solemn obligations. Such conduct is not merely an injury to individual creditors, but it is a wrong to the whole community, from whose liberality they hold most valuable privileges—whose rights they violate, whose business they derange, and the value of whose property they render unstable and insecure. It must be evident that this new ground for bank suspensions, in reference to which their action is not only disconnected with, but wholly independent of, that of the public, gives a character to their suspensions more alarming than any which they exhibited before, and greatly increases the impropriety of relying on the banks in the transactions of the government.

A large and highly respectable portion of the banking institutions are, it affords me unfeigned pleasure to state, exempted from all blame on account of this second delinquency. They have, to their great credit, not only continued to meet their engagements, but have even repudiated the grounds of suspension now resorted to. It is only by such a course that the confidence and good-will of the community can be preserved, and, in the sequel, the best interests of the institutions themselves promoted.

New dangers to the banks are also daily disclosed from the extension of that system of extravagant credit of which they are the pillars. Formerly our foreign commerce was principally founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little foreign debt. Such is not now the case. Aided by the facilities afforded by the banks, mere credit has become too commonly the basis of trade. Many of the banks themselves, not content with largely stimulating this system among others, have usurped the business, while they impair the stability, of the mercantile community; they have become borrowers instead of lenders; they establish their agencies abroad; they deal largely in stocks and merchandise; they encourage the issue of state securities until the foreign market is glutted with them; and, unsatisfied with the legitimate use of their own capital and the exercise of their lawful privileges, they raise, by large loans, additional means for every variety of speculation. The disasters attendant on this deviation from the former course of business in this country, are now shared alike by banks and individuals, to an extent of which there is perhaps no previous example in the annals of our country. So long as a willingness of the foreign lender, and a sufficient export of our productions to meet any necessary partial payments, leave the flow of credit undisturbed, all appears to be prosperous; but as soon as it is checked by any hesitation abroad, or by an inability to make payment there in our productions, the evils of the system are disclosed. The paper currency, which might serve for domestic purposes, is useless to pay the debt due in Europe. Gold and silver are therefore drawn, in exchange for their notes, from the banks. To keep up their supply of coin, these institutions are obliged to call upon

their own debtors, who pay them principally in their own notes, which are as unavailable to them as they are to the merchants to meet the foreign demand. The calls of the banks, therefore, in such emergencies, of necessity exceed that demand, and produce a corresponding curtailment of their accommodations and of the currency, at the very moment when the state of trade renders it most inconvenient to be borne. The intensity of this pressure on the community is in proportion to the previous liberality of credit and consequent expansion of the currency. Forced sales of property are made at the time when the means of purchasing are most reduced, and the worst calamities to individuals are only at last arrested by an open violation of their obligations by the banks, a refusal to pay specie for their notes, and an imposition upon the community of a fluctuating and depreciated currency.

These consequences are inherent in the present system. They are not influenced by the banks being large or small, created by national or state governments. They are the results of the irresistible laws of trade or credit. In the recent events which have so strikingly illustrated the certain effects of these laws, we have seen the bank on the largest capital in the Union, established under a national charter, and lately strengthened, as we were authoritatively informed, by exchanging that for a state charter, with new and useful privileges—in a condition, too, as it was said, of entire soundness and great prosperity—not merely unable to resist these effects, but the first to yield to them.

Nor is it to be overlooked that there exists a chain of necessary dependence among these institutions which obliges them, to a great extent, to follow the course of others, notwithstanding its injustice to their own immediate creditors, or injury to the particular community in which they are placed. This dependence of a bank, which is in proportion to the extent of its debts for circulation and deposites, is not merely on others in its own vicinity, but on all those which connect it with the centre of trade. Distant banks may fail, without seriously affecting those in our principal commercial cities; but the failure of the latter is felt at the extremities of the Union. The suspension at New York, in 1837, was everywhere, with very few exceptions, followed, as soon as it was known; that recently at Philadelphia immediately affected the banks of the south and west in a similar manner. This dependence of our whole banking system on the institutions in a few large cities is not found in the laws of their organization, but in those of trade and exchange. The banks at that centre to which currency flows, and where it is required in payments for merchandise, hold the power of controlling those in regions whence it comes, while the latter possess no means of restraining them; so that the value of individual property, and the prosperity of trade, through the whole interior of the country, are made to depend on the good or bad management of the banking institutions in the great seats of trade on the seaboard.

But this chain of dependence does not stop here. It does not terminate at Philadelphia or New York. It reaches across the ocean and ends in London, the centre of the credit system. The same laws of trade, which give to the banks in our principal cities power over the whole banking system of the United States, subject the former, in their turn, to the money power in Great Britain. It is not denied that the suspension of the New York banks in 1837, which was followed in quick succession throughout the Union was produced by an application of that power; and

it is now alleged, in extenuation of the present condition of so large a portion of our banks, that their embarrassments have arisen from the same cause.

From this influence they can not now entirely escape, for it has its origin in the credit currency of the two countries; it is strengthened by the current of trade and exchange, which centres in London, and is rendered almost irresistible by the large debts contracted there by our merchants, our banks, and our states. It is thus that an introduction of a new bank into the most distant of our villages, places the business of that village within the influence of the money power in England. It is thus that every new debt which we contract in that country, seriously affects our own currency, and extends over the pursuits of our country its powerful influence. We can not escape from this by making new banks, great or small, state or national. The same chains which bind those now existing to the centre of this system of paper credit, must equally fetter every similar institution we create. It is only by the extent to which this system has been pushed of late, that we have been made fully aware of its irresistible tendency to subject our own banks and currency to a vast controlling power in a foreign land; and it adds a new argument to those which illustrate their precarious situation. Endangered in the first place by their own mismanagement, and again by the conduct of every institution which connects them with the centre of trade in our own country, they are yet subjected, beyond all this, to the effect of whatever measures policy, necessity, or caprice, may induce those who control the credits of England to resort to.

I mean not to comment upon these measures, present or past, and much less to discourage the prosecution of fair commercial dealing between the two countries, based on reciprocal benefits; but it having now been made manifest that the power of inflicting these and similar injuries is, by the resistless law of a credit currency and credit trade, equally capable of extending their consequences through all the ramifications of our banking system, and by that means indirectly obtaining, particularly when our banks are used as depositaries of the public moneys, a dangerous political influence in the United States, I have deemed it my duty to bring the subject to your notice, and ask for it your serious consideration.

Is an argument required beyond the exposition of these facts, to show the impropriety of using our banking institutions as depositaries of the public money? Can we venture, not only to encounter the risk of their individual and mutual mismanagement, but, at the same time, to place our foreign and domestic policy entirely under the control of a foreign moneyed interest? To do so is to impair the independence of our government, as the present credit system has already impaired the independence of our banks. It is to submit all its important operations, whether of peace or war, to be controlled or thwarted at first by our own banks, and then by a power abroad greater than themselves. I can not bring myself to depict the humiliation to which this government and people might be sooner or later reduced, if the means for defending their rights are to be made dependent upon those who may have the most powerful of motives to impair them.

Nor is it only in reference to the effect of this state of things on the independence of our government or of our banks, that the subject presents itself for consideration: it is to be viewed also in its relation to the general trade of our country. The time is not long passed when a deficiency

of foreign crops was thought to afford a profitable market for the surplus of our industry; but now we await with a feverish anxiety the news of the English harvest, not so much from motives of commendable sympathy, but fearful lest its anticipated failure should narrow the field of credit there. Does not this speak volumes to the patriot? Can a system be beneficent, wise, or just, which creates greater anxiety for interests dependent on foreign credit, than for the general prosperity of our own country, and the profitable exportation of the surplus produce of our labor?

The circumstances to which I have thus adverted appear to me to afford weighty reasons, developed by late events, to be added to those which I have on former occasions offered, when submitting to your better knowledge and discernment the propriety of separating the custody of the public money from banking institutions. Nor has anything occurred to lessen, in my opinion, the force of what has been heretofore urged. The only ground on which that custody can be desired by the banks is the profitable use which they may make of the money. Such use would be regarded in individuals as a breach of trust, or a crime of great magnitude; and yet it may be reasonably doubted whether, first and last, it is not attended with more mischievous consequences when permitted to the former than to the latter. The practice of permitting the public money to be used by its keepers, as here, is believed to be peculiar to this country, and to exist scarcely anywhere else. To procure it here, improper influences are appealed to: unwise connexions are established between the government and vast numbers of powerful state institutions; other motives than the public good are brought to bear both on the executive and legislative departments, and selfish combinations, leading to special legislation, are formed. It is made the interest of banking institutions, and their stockholders throughout the Union, to use their exertions for the increase of taxation and the accumulation of a surplus revenue; and, while an excuse is afforded, the means are furnished for those excessive issues which lead to extravagant trade and speculation, and are forerunners of a vast debt abroad and the suspension of the banks at home.

Impressed, therefore, as I am, with the propriety of the funds of the government being withdrawn from the private use of either banks or individuals, and the public money kept by duly-appointed public agents; and believing, as I do, that such also is the judgment which discussion, reflection, and experience, have produced on the public mind, I leave the subject with you. It is, at all events, essential to the interests of the community, and the business of the government, that a decision should be made.

Most of the arguments that dissuade us from employing banks, in the custody and disbursement of the public money, apply with equal force to the receipts of their notes for public dues. The difference is only in form. In one instance, the government is a creditor for its deposites; and in the other, for the notes it holds. They afford the same opportunity for using the public moneys, and equally lead to all the evils attendant upon it, since a bank can as safely extend its discounts on a deposite of its notes in the hands of a public officer as on one made in its own vaults. On the other hand, it would give to the government no greater security; for, in case of failure, the claim of the note-holder would be no better than that of a depositor.

I am aware that the danger of inconvenience to the public, and unreasonable pressure upon sound banks, have been urged as objections to

requiring the payment of the revenue in gold and silver. These objections have been greatly exaggerated. From the best estimates, we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time in the receipts and disbursements of the government, even if the proposed change were made at once, would not, it is now, after fuller investigation, believed, exceed four or five millions. If the change were gradual, several years would elapse before that sum would be required, with annual opportunities in the meantime to alter the law, should experience prove it to be oppressive or inconvenient. The portions of the community on whose business the change would immediately operate are comparatively small, nor is it believed that its effect would be in the least unjust or injurious to them.

In the payment of duties, which constitute by far the greater portion of the revenue, a very large proportion is derived from foreign commission-houses and agents of foreign manufacturers, who sell the goods consigned to them, generally, at auction, and, after paying the duties out of the avails, remit the rest abroad in specie or its equivalent. That the amount of duties should, in such cases, be also retained in specie, can hardly be a matter of complaint. Our own importing merchants, by whom the residue of the duties is paid, are not only peculiarly interested in maintaining a sound currency, which the measure in question will especially promote, but are, from the nature of their dealings, best able to know when specie will be needed, and to procure it with the least difficulty or sacrifice. Residing, too, almost universally in places where the revenue is received, and where the drafts used by the government for its disbursements must concentrate, they have every opportunity to obtain and use them in place of specie, should it be for their interest or convenience. Of the number of these drafts, and the facilities they may afford, as well as of the rapidity with which the public funds are drawn and disbursed, an idea may be formed from the fact that, of nearly twenty millions of dollars paid to collectors and receivers during the present year, the average amount in their hands at any one time has not exceeded a million and a half; and of the fifteen millions received by the collector of New York alone during the present year, the average amount held by him, subject to draft during each week, has been less than half a million.

The ease and safety of the operations of the treasury in keeping the public money are promoted by the application of its own drafts for the public dues. The objection arising from having them too long outstanding might be obviated, and they yet made to afford to merchants and banks holding them an equivalent for specie, and in that way greatly lessen the amount actually required. Still less inconvenience will attend the requirement of specie in purchases of public lands. Such purchases, except when made on speculation, are in general but single transactions, rarely repeated by the same person; and it is a fact that, for the last year and a half, during which the notes of sound banks have been received, more than a moiety of these payments has been voluntarily made in specie, being a larger proportion than would have been required in three years under the graduation proposed.

It is, moreover, a principle, than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed. In our own states, where small

notes are excluded, gold and silver supply their place. When driven to their hiding-places by bank suspensions, a little firmness in the community soon restores them in a sufficient quantity for ordinary purposes. Postage and other public dues have been collected in coin, without serious inconvenience, even in states where a depreciated paper currency has existed for years; and this, with the aid of treasury-notes for a part of the time, was done without interruption during the suspension of 1837. At the present moment, the receipts and disbursements of the government are made in legal currency in the largest portion of the Union. No one suggests a departure from this rule; and if it can now be successfully carried out, it will be surely attended with even less difficulty when bank-notes are again redeemed in specie.

Indeed, I can not think that a serious objection would anywhere be raised to the receipt and payment of gold and silver in all public transactions, were it not from an apprehension that a surplus in the treasury might withdraw a large portion of it from circulation, and lock it up unprofitably in the public vaults. It would not, in my opinion, be difficult to prevent such an inconvenience from occurring; but the authentic statements which I have already submitted to you in regard to the actual amount in the public treasury at any one time during the period embraced in them, and the little probability of a different state of the treasury, for at least some years to come, seem to render it unnecessary to dwell upon it. Congress, moreover, as I have before observed, will, in every year, have an opportunity to guard against it, should the occurrence of any circumstances lead us to apprehend injury from this source. Viewing the subject in all its aspects, I can not believe that any period will be more auspicious than the present for the adoption of all measures necessary to maintain the sanctity of our own engagements, and to aid in securing to the community that abundant supply of the precious metals which adds so much to their prosperity, and gives such increased stability to all their dealings.

In a country so commercial as ours, banks in some form will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce: to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies; to check, so far as may be practicable by prudent legislation, those temptations of interest and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce, rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished without the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital.

Institutions so framed have existed and still exist elsewhere, giving to commercial intercourse all necessary facilities, without inflating or depreciating the currency, or stimulating speculation. Thus accomplishing their legitimate ends, they have gained the surest guarantee for their protection and encouragement in the good-will of the community. Among a people so just as ours, the same results could not fail to attend a similar course. The direct supervision of the banks belongs, from the nature of our government, to the states who authorize them. It is to their legisla-

tures that the people must mainly look for action on that subject. But as the conduct of the federal government in the management of its revenue has also a powerful through less immediate influence upon them, it becomes our duty to see that a proper direction is given to it. While the keeping of the public revenue in a separate and independent treasury and of collecting it in gold and silver, will have a salutary influence on the system of paper credit with which all banks are connected, and thus aid those that are sound and well managed, it will at the same time sensibly check such as are otherwise, by at once withholding the means of extravagance afforded by the public funds, and restraining them from excessive issues of notes which they would be constantly called upon to redeem.

I am aware it has been urged that this control may be best attained and exerted by means of a national bank. The constitutional objections, which I am well known to entertain, would prevent me in any event from proposing or assenting to that remedy; but in addition to this I can not, after past experience, bring myself to think that it can any longer be extensively regarded as effective for such a purpose. The history of the late national bank through all its mutations shows that it was not so. On the contrary, it may, after a careful consideration of the subject, be, I think, safely stated, that at every period of banking excess it took the lead; that in 1817, and 1818, in 1823, in 1831, and in 1834, its vast expansions, followed by distressing contractions, led to those of the state institutions. It swelled and maddened the tides of the banking system, but seldom allayed, or safely directed them. At a few periods only was a salutary control exercised, but an eager desire, on the contrary, exhibited for profit in the first place; and if, afterward, its measures were severe toward other institutions, it was because its own safely compelled it to adopt them. It did not differ from them in principle or in form; its measures emanated from the same spirit of gain; it felt the same temptation to over-issue; it suffered from, and was totally unable to avert, those inevitable laws of trade by which it was itself affected equally with them; and at least on one occasion, at an early day, it was saved only by extraordinary exertions from the same fate that attended the weakest institution it professed to supervise. In 1837 it failed, equally with others, in redeeming its notes, though the two years allowed by its charter for that purpose had not expired, a large amount of which remains to the present time outstanding. It is true, that having so vast a capital, and strengthened by the use of all the revenues of the government, it possessed more power; but while it was itself, by this circumstance, freed from the control which all banks require, its paramount object and inducement were left the same—to make the most for its stockholders; not to regulate the currency of the country. Nor has it, as far as we are advised, been found to be greatly otherwise elsewhere. The national character given to the bank of England, has not prevented excessive fluctuations in their currency, and it proved unable to keep off a suspension of specie payments, which lasted for nearly a quarter of a century. And why should we expect to be otherwise? A national institution, though deriving its charter from a different source than the state banks, is yet constituted upon the same principles; is conducted by men equally exposed to temptation; and is liable to the same disasters; with the additional disadvantage that its magnitude occasions an extent of confusion and distress which the mismanagement of smaller institutions could not produce. It can scarcely be doubted that the recent suspension of the

United States bank of Pennsylvania—of which the effects are felt not in that state alone, but over half the Union—had its origin in a course of business commenced while it was a national institution; and there is no good reason for supposing that the same consequences would not have followed, had it still derived its powers from the general government. It is in vain, when the influences and impulses are the same, to look for a difference in conduct or results. By such creations, we do therefore but increase the mass of paper credit and paper currency, without checking their attendant evils and fluctuations. The extent of power and the efficacy of organization which we give, so far from being beneficial, are in practice positively injurious. They strengthen the chain of dependence throughout the Union, subject all parts more certainly to common disaster, and bind every bank more effectually, in the first instance, to those of our commercial cities, and, in the end, to a foreign power. In a word, I can not but believe that, with the full understanding of the operations of our banking system which experience has produced, public sentiment is not less opposed to the creation of a national bank for purposes connected with currency and commerce, than for those connected with the fiscal operations of the government.

Yet the commerce and currency of the country are suffering evils from operations of the state banks which can not and ought not to be overlooked. By their means, we have been flooded with a depreciated paper, which it was evidently the design of the framers of the constitution to prevent, when they required Congress to "coin money and regulate the value of foreign coins," and when they forbade the states to "coin money, emit bills of credit, make anything but gold and silver a tender in payment of debts," or "pass any law impairing the obligation of contracts." If they did not guard more explicitly against the present state of things, it was, because they could not have anticipated that the few banks then existing were to swell to an extent which would expel to so great a degree the gold and silver for which they had provided, from the channels of circulation, and fill them with a currency that defeats the object they had in view. The remedy for this must chiefly rest with the state from whose legislation it has sprung. No good that might accrue in a particular case from the exercise of powers not obviously conferred on the general government would authorize its interference, or justify a course that might, in the slightest degree, increase, at the expense of the state, the power of the federal authorities; nor do I doubt that the states will apply the remedy. Within the last few years, events have appealed to them too strongly to be disregarded. They have seen that, the constitution, though theoretically adhered to, is subverted in practice; that while, on the statute books, there is no legal tender but gold and silver, no law impairing the obligations of contracts, yet that, in point of fact, the privileges conferred on banking corporations have made their notes the currency of the country; that the obligations imposed by these notes are violated under the impulses of interest or convenience; and that the number and power of the persons connected with these corporations, or placed under their influence, give them a fearful weight when their interest is in opposition to the spirit of the constitution and laws. To the people it is immaterial whether these results are produced by open violations of the latter, or by the workings of a system of which the result is the same. An inflexible execution even of the existing statutes of most of the states would redress many evils now endured; would effectually show the bank the dangers of

mismanagement which impunity encourages them to repeat; and would teach all corporations the useful lesson that they are the subjects of the law and the servants of the people. What is still wanting to effect these objects must be sought in additional legislation; or, if that be inadequate, in such further constitutional grants or restrictions as may bring us back into the path from which we have so widely wandered.

In the meantime, it is the duty of the general government to co-operate with the states, by a wise exercise of its constitutional powers, and the enforcement of its existing laws. The extent to which it may do so by further enactments I have already adverted to, and the wisdom of Congress may yet enlarge them. But, above all, it is incumbent upon us to hold erect the principles of morality and law, constantly executing our own contracts in accordance with the provisions of the constitution, and thus serving as a rallying point by which our whole country may be brought back to that safe and honored standard.

Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character; nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the states is an enormous debt, foreign and domestic. The foreign debt of our states, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent, or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interest, must be the decrease of the import trade. In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, and splendid, but in many instances profitless, railroads and canals, absorbing to a great extent, in interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution. Upon this point there is, I am happy to say, hope before us; not so much in the return of confidence abroad, which will enable the states to borrow more money, as in a change of public feeling at home, which prompts our people to pause in their career, and think of the means by which debts are to be paid before they are contracted. If we would escape embarrassment, public and private, we must cease to run in debt, except for objects of necessity, or such as will yield a certain return. Let the faith of the states, corporations, and individuals, already pledged, be kept with the most punctilious regard, It is due to our national character, as well as to justice, that this should on the part of each be a fixed principle of conduct. But it behooves us all to be more chary in pledging it hereafter. By ceasing to run in debt, and applying the surplus of our crops and incomes to the discharge of existing obligations, buying less and selling more, and managing all affairs, public and private, with strict economy and frugality, we shall see our country soon recover from a temporary oppression, arising not from natural and

permanent causes, but from those I have enumerated, and advance with renewed vigor in her career of prosperity.

Fortunately for us, at this moment, when the balance of trade is greatly against us, and the difficulty of meeting it enhanced by the disturbed state of our money affairs, the bounties of Providence have come to relieve us from the consequences of past errors. A faithful application of the immense results of the labors of the last season will afford partial relief for the present, and perseverance in the same course will, in due season, accomplish the rest. We have had full experience, in times past, of the extraordinary results which can, in this respect, be brought about, in a short period, by the united and well-directed efforts of a community like ours. Our surplus profits, the energy and industry of our population, and the wonderful advantages which Providence has bestowed upon our country, in its climate, its various productions, indispensable to other nations, will, in due time, afford abundant means to perfect the most useful of those objects for which the states have been plunging themselves of late in embarrassment and debt, without imposing on ourselves or our children such fearful burdens.

But let it be indelibly engraved on our minds, that relief is not to be found in expedients. Indebtedness can not be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favor by creating new demands upon us abroad. Our currency can not be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform—by curtailing public and private expenditures, by paying our debts, and by reforming our banking system—that we are to expect effectual relief, security for the future, and an enduring prosperity. In shaping the institutions and policy of the general government so as to promote, as far as it can with its limited powers, these important ends, you may rely on my most cordial cooperation.

That there should have been, in the progress of recent events, doubts in many quarters, and in some a heated opposition to every change, can not surprise us. Doubts are properly attendant on all reform ; and it is peculiarly in the nature of such abuses as we are now encountering, to seek to perpetuate their power by means of the influence which they have been permitted to acquire. It is their result, if not their object, to gain for the few an ascendency over the many, by securing to them the monopoly of the currency, the medium through which most of the wants of mankind are supplied—to produce throughout society a chain of dependence which leads all classes to look to privileged associations for the means of speculation and extravagance—to nourish, in preference to the manly virtues that give dignity to human nature, a craving desire for luxurious enjoyment and sudden wealth, which renders those who seek them dependent on those who supply them—to substitute for republican simplicity and economical habits a sickly appetite for effeminate indulgence, and an imitation of that reckless extravagance which impoverished and enslaved the industrious people of foreign lands ; and at last to fix upon us, instead of those political rights the acquisition of which was alike the object and supposed reward of our revolutionary struggle, a system of exclusive privileges conferred by partial legislation. To remove the influences which had thus gradually grown up among us ; to deprive them of their deceptive

advantages ; to test them by the light of wisdom and truth ; to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only have been accomplished through that series of revolutionary movements which are too often found necessary to effect any great and radical reform ; but it is the crowning merit of our institutions, that they create and nourish, in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result thus far is most honorable to the self-denial, the intelligence, and the patriotism of our citizens ; it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go still further than they have yet gone in illustrating the important truth that a people as free and enlightened as ours, will, whenever it becomes necessary, show themselves to be indeed capable of self-government by voluntarily adopting appropriate remedies for every abuse, and submitting to temporary sacrifices, however great, to insure their temporary welfare.

My own exertions for the furtherance of these desirable objects have been bestowed throughout my official career with a zeal that is nourished by ardent wishes for the welfare of my country, and by an unlimited reliance on the wisdom that marks its ultimate decision on all great and controverted decisions. Impressed with the solemn obligations imposed upon me by the constitution, desirous also of laying before my fellow-citizens, with whose confidence and support I have been so highly honored, such measures as appear to me conducive to their prosperity, and anxious to submit to their fullest consideration the grounds upon which my opinions are formed, I have on this, as on preceding occasions, freely offered my views on those points of domestic policy that seem, at the present time, most prominently to require the action of the government. I know that they will receive from Congress that full and able consideration which the importance of the subjects merits ; and I can repeat the assurance heretofore made, that I shall cheerfully and readily co-operate with you in every measure that will tend to promote the welfare of the Union.

SPECIAL MESSAGE.

FEBRUARY 4, 1840.

To the Senate and House of Representatives of the United States :—

I LAY before you a report from the secretary of the treasury, with several documents annexed, by which it will be seen that judicial constructions have been given to the existing laws for the collection of imposts affecting extensively and injuriously the accruing revenue.

They embrace, with many others, the important articles of linens, woollens, and cottons ; the last two of which are treated as silks, because that material constitutes a component part of them, and thus exempted them from duty altogether. Assessments of duties, which have prevailed for years, and, in some cases, since the passage of the laws themselves, are

in this manner altered, and uncertainty and litigation introduced in regard to the future.

The effects which these proceedings have already produced in diminishing the amount of revenue, and which are likely to increase hereafter, deserves your early consideration.

I have therefore deemed it necessary to bring the matter to your notice, with a view to such legislative action as the exigencies of the case may in your judgment require. It is not believed that any law, which can now be passed upon the subject, can affect the revenue favorably for several months to come, and could not therefore be safely regarded as a substitute for the early provision of certain and adequate means to enable the treasury to guard the public credit, and meet promptly and faithfully any deficiencies that may occur in the revenue, from whatever cause they may arise.

The reasons in favor of the propriety of adopting, at an early period, proper measures for that purpose, were explained by the secretary of the treasury in his annual report, and recommended to your attention by myself. The experience of the last two months, and especially the recent decision of the courts, with the continued suspension of specie payments by the banks over large sections of the United States, operating unfavorably upon the revenue, have greatly strengthened the views then taken of the subject.

SPECIAL MESSAGE.

FEBRUARY 17, 1840.

To the Senate and House of Representatives of the United States :—

I SUBMIT to Congress a communication from the secretary of the treasury, repeating suggestions contained in his annual report in regard to the necessity of an early provision by law for the protection of the treasury against the fluctuations and contingencies to which its receipts are exposed, with additional facts and reasons in favor of the propriety of the legislation there desired.

The application assumes that, although the means of the treasury for the whole year may be equal to the expenditures of the year, the department may, notwithstanding, be rendered unable to meet the claims upon it at the times when they fall due. This apprehension arises partly from the circumstance that the largest proportion of the charges upon the treasury, including the payment of pensions and the redemption of treasury-notes, fall due in the early part of the year, viz., in the months of March and May, while the resources, on which it might otherwise rely to discharge them, can not be made available until the last half of the year ; and partly from the fact that a portion of the means of the treasury consists of debts due from banks, for some of which delay has already been asked, and which may not be punctually paid.

Considering the injurious consequences to the character, credit, and business, of the country, which would result from a failure by the government, for even so short a period, to meet the engagements ; that the happening of such a contingency can only be effectually guarded against by the exercise of legislative authority ; that the period when such disability must arise, if at all, and which, at the commencement of the session, was

remote, has now approached so near as a few days; and that the provision asked for is only intended to enable the executive to fulfil existing obligations, and chiefly by anticipating funds not yet due, without making any addition to the public burdens, I have deemed the subject of sufficient urgency and importance again to ask for it your early attention.

SPECIAL MESSAGE.

May 21, 1840.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE to Congress sundry papers, from which it will be perceived that the imaum of Muscat has transmitted to this country, and, through the agency of the commander of one of his vessels, offered, for my acceptance, a present, consisting of horses, pearls, and other articles of value. The answer of the secretary of state to a letter from the agents of the vessel, communicating the offer of the present, and my own letter to the imaum, in reply to one which he addressed to me, were intended to make known, in the proper quarter, the reasons which had precluded my acceptance of the proffered gift. Inasmuch, however, as the commander of the vessel, with the view, as he alleged, of carrying out the wishes of his sovereign, now offers the presents to the government of the United States, I deem it my duty to lay the proposition before Congress, for such disposition as they may think fit to make of it; and I take the opportunity to suggest, for their consideration, the adoption of legislative provisions pointing out the course which they may deem proper for the executive to pursue in any future instances where offers of presents by foreign states, either to the government, its legislative, or executive branches, or its agents abroad, may be made under circumstances precluding a refusal without the risk of giving offence.

The correspondence between the department of state and the consul at Tangiers, will acquaint Congress with such an instance, in which every proper exertion on the part of the consul to refrain from taking charge of an intended present, proved unavailing. The animals constituting it may, consequently, under the instructions from the secretary of state, be expected soon to arrive in the United States: when the authority of Congress as to the disposition to be made of them, will be necessary.

FOURTH ANNUAL MESSAGE.

December 5, 1840.

Fellow-Citizens of the Senate and House of Representatives:—

OUR devout gratitude is due to the Supreme Being for having graciously continued to our beloved country, through the vicissitudes of another year, the invaluable blessings of health, plenty, and peace. Seldom has this favored land been so generally exempted from the ravages of disease, or the labor of the husbandman more amply rewarded; and never before have our relations with other countries been placed on a more favorable basis

than that which they so happily occupy at this critical conjuncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of other states, alike due to the genius and distinctive character of our government and to the principles by which it is directed; a faithful observance, in the management of our foreign relations, of the practice of speaking plainly, dealing justly, and requiring truth and justice in return, as the best conservative of the peace of nations; a strict impartiality in our manifestations of friendship, in the commercial privileges we concede, and those we require from others; these, accompanied by a disposition as prompt to maintain, in every emergency, our own rights, as we are from principle averse to the invasion of those of others, have given to our country and government a standing in the great family of nations, of which we have just cause to be proud, and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprise and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship, or ignorant of the terms on which it can be acquired, and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have, in the course of a few years (the most of them during the successful administration of my immediate predecessor), been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilizing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse for which this government has ever contended. In the shock of contending empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armor, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a measure subsided, it is hoped that a favorable period is approaching for its final settlement. Both governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that a proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter-project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British government for its consideration. The answer of that government, accompanied by additional propositions of its own, were received through its minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the state of

Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the secretary of state to Mr. Fox. That minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the line which separates the states of Maine and New Hampshire from the British provinces; they been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impression which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate negotiations involving the territorial rights of a state, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British government, through its minister at Washington, that early steps should be taken to adjust the points at difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the lake of the Woods, by the arbitration of a friendly power, in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe, I am happy to inform you our relations continue to be of the most friendly character. With Belgium, a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and, having been ratified by the Belgian government, will be duly laid before the senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long-standing question of controversy; thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been despatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that, after many delays and difficulties, a treaty of commerce and navigation, between the United States and Portugal, was concluded and signed at Lisbon, on the 26th of August last, by the plenipotentiaries of the two governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers, and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress, an agent has been sent to Germany for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment

of claims of citizens of the United States upon Mexico having met and organized at Washington, in August last, the papers in the possession of the government, relating to those claims, were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two governments, through the medium of our minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late republic of Colombia have not yet been satisfied by the separate governments into which it has been resolved.

The chargé d'affaires of Brazil having expressed the intention of his government not to prolong the treaty of 1828, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the government of Chili has entered into an agreement to indemnify the claimants in the case of the Macedonian, for American property seized in 1819; and to add, that information has also been received which justifies the hope of an early adjustment of the remaining claims upon that government.

The commissioners appointed in pursuance of the convention between the United States and Texas, for marking the boundary between them, have, according to the last report received from our commissioner, surveyed and established the whole extent of the boundary north along the western bank of the Sabine river, from its entrance into the gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to reassemble on the 1st of November, for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine, and the meridian line thence to Red river. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances, and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome, are matters upon which the people and government of the United States may well congratulate themselves. An overflowing treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people; and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to consist in ample resources unencumbered with debt; and, in this respect, the federal government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly twenty-eight millions of dollars of the public moneys were, in pursuance of its provisions, deposited with the states in the months of January, April, and July, of that year. In May, there occurred a general suspension of specie payments by the banks, including, with very few exceptions, those in which the public moneys were deposited, and upon whose fidelity the government had unfortunately made

itself dependent for the revenues which had been collected from the people, and were indispensable to the public service.

This suspension, and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made, to a great extent, unavailable the principal part of the public money then on hand; suspended the collection of many millions accruing on merchants' bonds; and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate, in various degrees, to the present period; and in addition to the decrease in the revenue thus produced, two and a half millions of dollars have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads, by special legislation.

While such has been our condition for the last four years in relation to revenue, we have, during the same period, been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the treasury, in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded five millions of dollars; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions; and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say, that, from the commencement of this period to the present day, every demand upon the government, at home or abroad, has been promptly met. This has been done, not only without creating a permanent debt, or a resort to additional taxation in any form, but in the midst of a steadily progressive reduction of existing burdens upon the people, leaving still a considerable balance of available funds which will remain in the treasury at the end of the year. The small amount of treasury-notes, not exceeding four and a half millions of dollars, still outstanding, and less by twenty-three millions than the United States have in deposite with the states, is composed of such only as are not yet due, or have not been presented for payment. They may be redeemed out of the accruing revenue, if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the government had the resolution and the ability to adhere, in every emergency, to the sacred obligations of law; to execute all its contracts according to the requirements of the constitution; and thus to present, when most needed, a rallying-point by which the business of the whole country might be brought back to a safe and unvarying standard—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the government, at that critical moment, had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation. The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It

can not fail to stimulate their agents to adhere, under all circumstances, to the line of duty; and to satisfy them of the safety with which a course really right, and demanded by a financial crisis, may, in a community like ours, be pursued, however apparently severe its immediate operation.

The policy of the federal government, in extinguishing as rapidly as possible the national debt, and, subsequently, in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders, is one which is every day gathering strength. Already have the resources of many of the states, and the future industry of their citizens, been indefinitely mortgaged to the subjects of European governments, to the amount of twelve millions annually, to pay the constantly-accruing interest of borrowed money—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the federal government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged, is wholly exempt from any such embarrassment. It is also, as is believed, the only government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable, and so honorable to our national character, should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the republic, with the governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are, nevertheless, by the law of their own condition, made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt, is its inevitable tendency to increase in magnitude, and to foster national extravagance. He has been an unprofitable observer of events, who needs at this day to be admonished of the difficulties which a government habitually dependent on loans to sustain its ordinary expenditures, has to encounter in resisting the influence constantly exerted in favor of additional loans; by capitalists, who enrich themselves by government securities for amounts much exceeding the money they actually advance—a prolific source of individual aggrandizement in all borrowing countries; by stockholders, who seek their gain by the rise and fall of public stocks; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are, too frequently, the advancement of private interests. The known necessity which so many of the states will be under to impose taxes for the payment of the interest on their debts, furnishes an additional and very cogent reason why the federal government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency; and we may be quite sure that our citizens, in no future exigency, will be unwilling to supply the government with all the means asked for the defence of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the federal

government. Its limited range of constitutional duties may certainly, under such circumstances, be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But, to accomplish so desirable an object, two things are indispensable: first, that the action of the federal government be kept within the boundaries prescribed by its founders; and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid but well-considered and practical economy. The first depends chiefly on the people themselves—the opinions they form of the true construction of the constitution, and the confidence they repose in the political sentiments of those they select as their representatives in the federal legislature; the second rests upon the fidelity with which their more immediate representatives, and other public functionaries, discharge the trust committed to them. The duty of economizing the expenses of the public service is admitted on all hands; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment, nor even mutual recriminations, upon a point in respect to which the public mind is so justly sensitive, can well be entirely avoided; and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive, in the end, at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with, more powerful than a large surplus revenue; and the unusually large appropriations for 1836 may, without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be, in no inconsiderable degree, traced to this source. The sudden and rapid distribution of the large surplus then in the treasury, and the equally sudden and unprecedented severe revulsion in the commerce and business of the country pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditure.

But, to change the system operating upon so large a surface, and applicable to such numerous and diversified interests and objects, was more than the work of a day. The attention of every department of the government was immediately, and in good faith, directed to that end; and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions; being between two and three millions less than those of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of public works, except by deferring expenditures for a short period upon a limited portion of them; and which postponement terminated some time since, at the moment the treasury department, by further receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is be-

lieved, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the war department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the treasury on the 1st of January next is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the government to meet every engagement, and leave a suitable balance in the treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditure beyond the official estimates.

The new system established by Congress for the safekeeping of the public money, prescribing the kind of currency to be received for the public revenue, and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature, upon an experience of such limited duration, to form a definite opinion in regard to the extent of its influences in correcting many evils under which the federal government and the country have hitherto suffered—especially those that have grown out of banking expansions, a depreciated currency, and official defalcations; yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen, the confident anticipations of its friends. The grounds of these have been heretofore so fully explained as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say, with confidence, that the apprehensions of those who felt it to be their duty to oppose its adoption, have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the secretary of the treasury, and will, I am sure, receive at your hands that attention to which they may, on examination, be found to be entitled.

I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been more important in their consequences, than any that have arisen under our complicated and difficult, yet admirable system of government; I allude to a national debt, and a national bank.

It was in these that the political contest by which the country has been agitated ever since the adoption of the constitution, in a great measure

originated; and there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces, in some degree, a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but likewise so apt to lead, in the end, to the commission of that most odious of all offences against the principles of republican government—the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes, and the gratification of individual cupidity—is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord.

If we add to this, its inevitable tendency to produce and foster extravagant expenditures of the public money, by which a necessity is created for new loans and new burdens on the people; and finally, if we refer to the examples of every government which has existed, for proof, how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself, until public credit was exhausted, and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion, that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes, nor any, nor all its combined advantages, can counterbalance its ultimate but certain results—a splendid government, and an impoverished people.

If a national bank was, as is undeniable, repudiated by the framers of the constitution, as incompatible with the rights of the states and the liberties of the people; if, from the beginning, it has been regarded by a large portion of our citizens as coming in direct collision with that great and vital amendment of the constitution, which declares that all powers not conferred by that instrument on the general government are reserved to the states and to the people; if it has been viewed by them as the first great step in the march of latitudinous construction which, unchecked, would render that sacred instrument of as little value as an unwritten constitution, dependent, as it would alone be, for its meaning, on the interested interpretation of a dominant party, and affording no security to the rights of the minority; if such is undeniably the case, what rational grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected, when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed in so striking a manner the apprehensions of its earliest opponents, when it had been so clearly demonstrated that a concentrated money power, wielding so vast a capital, and combining such incalculable means of influence, may, in those peculiar conjunctures to which this government is unavoidably exposed, prove an overmatch for the political power of the people themselves; when the true character of its capacity to regulate, according to its will and its interests, and the interests of its favorites, the value and production of the labor and property of every man in this extended country, had been so fully and fearfully developed; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to

madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter, and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can never be granted without the certainty of being abused, was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt, and its consequences, I have advocated and endeavored to carry into effect, the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the federal government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement, which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the general government in embarrassments far greater than those which are now experienced by any of the states; of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred; but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated.

In lieu of a national bank, or a dependence upon banks of any description, for the management of our fiscal affairs, I recommend the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the government; and will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized; avoid the manifold evils inseparable from such an institution; diminish, to a greater extent than could be accomplished by any other measure of reform, the patronage of the federal government—a wise policy in all governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for support upon the unbiased and unadulterated opinions of its constituents; do away, for ever, all dependence on corporate bodies, either in raising, collecting, safekeeping, or disbursing, the public revenues; and place the government equally above the temptation of fostering a dangerous and unconstitutional institution at home, or the necessity of adapting its policy to the views and interests of a still more formidable money power abroad.

It is by adopting and carrying out these principles, under circumstances the most arduous and discouraging, that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a national bank at all times, and a national debt, except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their government, and to their own permanent welfare.

The progress made in the development of these positions, appears in the preceding sketch of the past history and present state of the financial concerns of the federal government. The facts there stated, fully authorize the assertion, that all the purposes for which government was instituted

have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an administration; that this has been done when the ordinary revenues of the government were generally decreasing, as well from the operation of the laws, as the condition of the country; without the creation of a permanent public debt, or incurring any liability, other than such as the ordinary resources of the government will speedily discharge, and without the agency of a national bank

If this view of the proceedings of the government for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the revolution have been promptly met and faithfully discharged; if there have been no failures in defraying the very large expenditures growing out of that long-continued and salutary policy of peaceably removing the Indians to regions of comparative safety and prosperity; if the public faith has at all times and everywhere been most scrupulously maintained by a prompt discharge of the numerous, extended, and diversified claims of the treasury—if all these great and permanent objects, with many others that might be stated, have for a series of years, marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to a permanent debt, or the aid of a national bank; have we not a right to expect that a policy, the object of which has been to sustain the public service independently of either of these fruitful sources of discord, will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embarrassments in the pecuniary concerns of individuals, of unexampled extent and duration, have recently existed in this as in other commercial nations, is undoubtedly true. To suppose it necessary now, to trace these reverses to their sources, would be a reflection on the intelligence of my fellow-citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revulsion, there can not now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the general government to repair private losses sustained by reverses in business, having no connexion with the public service, either by direct appropriations from the treasury, or by special legislation designed to secure exclusive privileges and immunities to individuals or classes, in preference to, and at the expense of, the great majority necessarily debarred from any participation in them, no attempt to do so has been either made, recommended, or encouraged, by the present executive.

It is believed, however, that the great purposes for the attainment of which the federal government was instituted, have not been lost sight of. Intrusted only with certain limited powers, cautiously enumerated, distinctly specified, and defined with a precision and clearness which would seem to defy misconstruction, it has been my constant aim to confine myself within the limits so clearly marked out, and so carefully guarded.

Having always been of opinion that the best preservative of the union of the states is to be found in a total abstinence from the exercise of all doubtful powers on the part of the federal government, rather than in attempts to assume them by a loose construction of the constitution, or an ingenious perversion of its words, I have endeavored to avoid recommending any measure which I have reason to apprehend would, in the opinion even of a considerable minority of my fellow-citizens, be regarded as trenching on the rights of the states, or the provisions of the hallowed instrument of our Union. Viewing the aggregate powers of the federal government as a voluntary concession of the states, it seemed to me that such only should be exercised as were at the time intended to be given.

I have been strengthened, too, in the propriety of this course, by the conviction that all efforts to go beyond this tend only to produce dissatisfaction and distrust, to excite jealousies, and to provoke resistance. Instead of adding strength to the federal government, even when successful, they must ever prove a source of incurable weakness, by alienating a portion of those whose adhesion is indispensable to the great aggregate of united strength, and whose voluntary attachment is, in my estimation, far more essential to the efficiency of a government strong in the best of all possible strength—the confidence and attachment of those who make up its constituent elements.

Thus believing, it has been my purpose to secure to the whole people, and to every member of the confederacy, by general, salutary, and equal laws alone, the benefit of those republican institutions which it was the end and aim of the constitution to establish, and the impartial influence of which is, in my judgment, indispensable to their preservation. I can not bring myself to believe that the lasting happiness of the people, the prosperity of the states, or the permanency of their union, can be maintained by giving preference or priority to any class of citizens in the distribution of benefits or privileges, or by the adoption of measures which enrich one portion of the Union at the expense of another; nor can I see in the interference of the federal government with the local legislation and reserved rights of the states, a remedy for present, or a security against future dangers.

The first, and assuredly not the least, important step toward relieving the country from the condition into which it has been plunged by excesses in trade, banking, and credits of all kinds, was to place the business transactions of the government itself on a solid basis; giving and receiving in all cases, value for value, and neither countenancing nor encouraging in others that delusive system of credits from which it has been found so difficult to escape, and which has left nothing behind it but the wrecks that mark its fatal career.

That the financial affairs of the government are now, and have been during the whole period of the wide-spreading difficulties, conducted with a strict and invariable regard to this great fundamental principle, and that by the assumption and maintenance of the stand thus taken on the very threshold of the approaching crisis, more than by any other cause or causes whatever, the community at large has been shielded from the incalculable evils of a general indefinite suspension of specie payments, and a consequent annihilation for the whole period it might have lasted, of a just and invariable standard of value, will, it is believed, at this period, scarcely be questioned.

A steady adherence on the part of the gove.nment to the policy which has produced such salutary results, aided by judicious state legislation, and what is not less important, by the industry, enterprise, perseverance and economy of the American people, can not fail to raise the whole country, at an early period, to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the explosion of a bloated credit system. It is for the people, and their representatives, to decide whether or not the permanent welfare of the country, which all good citizens equally desire, however widely they may differ as to the means of its accomplishment, shall be in this way secured; or whether the management of the pecuniary concerns of the government, and, by consequence, to a great extent, those of individuals also, shall be carried back to a condition of things which fostered those contractions and expansions of the currency, and those reckless abuses of credit, from the baleful effects of which the country has so deeply suffered—a return that can promise in the end, no better results than to reproduce the embarrassments the government has experienced; and to remove from the shoulders of the present, to those of fresh victims, the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable, and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

A report from the secretary of war, presenting a detailed view of the affairs of that department, accompanies this communication.

The desultory duties connected with the removal of the Indians, in which the army has been constantly engaged on the northern and western frontiers, and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the secretary for improving its discipline. In every instance where the regiments have been concentrated they have made great progress; and the best results may be anticipated from a continuance of this system. During the last season, a part of the troops have been employed in removing Indians from the interior to the territory assigned them in the west—a duty which they have performed efficiently, and with praiseworthy humanity; and that portion of them which has been stationed in Florida, continued active operations there throughout the heats of summer.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1838, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the whole period of my administration. Since the spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi, and I am happy to add, that all accounts concur in representing the result of this measure as eminently beneficial to that people.

The emigration of the Seminoles alone has been attended with serious difficulty, and occasioned bloodshed—hostilities having been commenced by the Indians in Florida, under apprehension that they would be compelled, by force, to comply with their treaty stipulations. The execution of the treaty of Payne's Landing, signed in 1832, but not ratified until 1834, was postponed, at the solicitation of the Indians, until 1836, when they again renewed their agreement to remove peaceably to their new homes in the west. In the face of this solemn and renewed compact, they broke their faith, and commenced hostilities by the massacre of Major Dade's command, the murder of their agent, General Thompson, and

other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of government, every effort appears to have been made to reinforce General Clinch, who commanded the troops then in Florida. General Eustis was despatched with reinforcements from Charleston—troops were called out from Alabama, Tennessee, and Georgia; and General Scott was sent to take command with ample powers and ample means. At the first alarm, General Gaines organized a force at New Orleans, and without waiting for orders, landed in Florida, where he delivered over the troops he had brought with him to General Scott.

Governor Call was subsequently appointed to conduct a summer campaign, and, at the close of it, was replaced by General Jesup. These events and changes took place under the administration of my predecessor. Notwithstanding the exertions of the experienced officers who had command there for eighteen months, on entering upon the administration of the government I found the territory of Florida a prey to Indian atrocities. A strenuous effort was immediately made to bring those hostilities to a close; and the army, under General Jesup, was reinforced until it amounted to ten thousand men, and furnished with abundant supplies of every description. In this campaign a great number of the enemy were captured and destroyed; but the character of the contest only was changed. The Indians, having been defeated in every engagement, dispersed in small bands throughout the country, and became an enterprising, formidable, and ruthless banditti. General Taylor, who succeeded General Jesup, used his best exertions to subdue them, and was seconded in his efforts by the officers under his command; but he, too, failed to protect the territory from their depredations. By an act of signal and cruel treachery, they broke the truce made with them by General Macomb, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since.

General Armistead, who was in Florida when General Taylor left the army, by permission, assumed the command, and after active summer operations, was met by propositions for peace; and, from the fortunate coincidence of the arrival in Florida, at the same period, of a delegation from the Seminoles, who were happily settled west of the Mississippi, and are now anxious to persuade their countrymen to join them there, hopes were for some time entertained that the Indians might be induced to leave the territory without further difficulty.

These hopes have proved fallacious, and hostilities have been renewed throughout the whole of the territory. That this contest has endured so long, is to be attributed to causes beyond the control of the government. Experienced officers have had the command of the troops; officers and soldiers have alike distinguished themselves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long procrastinated the issue of the contest, in the extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes, which I was authorized to select and cause to be purchased, have all been designated; but the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether those conditional purchases shall be sanctioned, and the humane intentions of the law carried into full effect.

The navy, as will appear from the accompanying report of the secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the gulf of Mexico. A small squadron, consisting of the frigate Constellation and the sloop-of-war Boston, under Commodore Kearney, is now on its way to the China and Indian seas, for the purpose of attending to our interests in that quarter; and Commander Aulic, in the sloop-of-war Yorktown, has been instructed to visit the Sandwich and Society islands, the coast of New Zealand, and Japan, together with other ports and islands frequented by our whale-ships, for the purpose of giving them countenance and protection, should they be required. Other smaller vessels have been, and still are, employed in prosecuting the surveys of the coast of the United States, directed by various acts of Congress; and those which have been completed will shortly be laid before you.

The exploring expedition, at the latest date, was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have, thus far, been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66 degrees 2 minutes south, longitude 154 degrees 27 minutes east, and afterward in latitude 66 degrees 31 minutes south, longitude 153 degrees 40 minutes east, by Lieutenants Wilkes and Hudson, for an extent of eighteen hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the most honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duties assigned him with an ardor, ability, and perseverance, which give every assurance of an honorable issue to the undertaking.

The report of the postmaster-general, herewith transmitted, will exhibit the service of that department the last year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been affected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail-routes and requiring more expensive services on others, and the increasing wants of the country, have, for three years past, carried the expenditures something beyond the accruing revenues; the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample; and the reduced rates of compensation for the transportation service, which may be expected on the future lettings, from the general reduction of prices, with the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances which have existed during

the past year, it is a gratifying result that the revenue has not declined, as compared with the preceding year, but, on the contrary, exhibits a small increase; the circumstances referred to having had no other effect than to check the expected increase.

It will be seen that the postmaster-general suggests certain improvements in the establishment, designed to reduce the weight of mails, cheapen the transportation, insure greater regularity in the service, and secure a considerable reduction in the rates of letter postage—an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave-trade has received the continued attention of the government. The brig Dolphin and schooner Grampus have been employed during the last season on the coast of Africa, for the purpose of preventing such portions of that trade as were said to be prosecuted under the American flag. After cruising on those parts of the coast most usually resorted to by slavers, until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been despatched on a similar service.

From the reports of the commanding officers, it appears that the trade is now principally carried on under Portuguese colors; and they express the opinion that the apprehension of their presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to this inhuman purpose. It is hoped that, by continuing to maintain this force in that quarter, and by the exertions of the officers in command, much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag, and to prevent its use in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished.

Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave-trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong, engaged in the commerce of that nation. I submit to your judgments, whether this government, having been the first to prohibit by adequate penalties, the slave-trade—the first to declare it piracy—should not be the first, also, to forbid to its citizens all trade with the slave factories on the coast of Africa; giving an example to all nations in this respect, which, if fairly followed, can not fail to produce the most effective results in breaking up those dens of iniquity.

ADMINISTRATION OF VAN BUREN.

The inauguration of Martin Van Buren, as the eighth president of the United States, took place at the capitol, in the city of Washington, on Saturday, the 4th of March, 1837. At twelve o'clock on that day, the weather being remarkably pleasant, the president elect took his seat with his venerable predecessor, General Jackson, in a beautiful phaeton made from the wood of the frigate Constitution, and presented to General Jackson by the democracy of the city of New York. They were escorted from the president's house to the capitol, through Pennsylvania avenue, by a body of cavalry and infantry, and were also accompanied by an immense concourse of citizens. After reaching the senate-chamber the procession was formed, and Mr. Van Buren, attended by the ex-president, the members of the senate, of the cabinet, and the diplomatic corps, led the way to the rostrum erected on the ascent to the eastern portico. He then delivered his inaugural address, in clear and impressive tones, and in an easy and eloquent manner. At the close of the address, the oath of office was administered by Chief-Justice Taney.

The language of the inaugural address, the assurances of the government official journal, published at the seat of government, and other declarations, satisfied the people that the measures of Mr. Van Buren's administration would be a continuation of those adopted by General Jackson, and consequently no change might be expected. The new president selected for his cabinet, John Forsyth, of Georgia, for secretary of state; Levi Woodbury, of New Hampshire, secretary of the treasury; Joel R. Poinsett, of South Carolina, secretary of war; Mahlon Dickerson, of New Jersey, secretary of the navy; Amos Kendall, of Kentucky, postmaster-general; and Benjamin F. Butler, of New York, attorney-general. All of these gentlemen, except Mr. Poinsett, had been appointed by General Jackson to the respective offices named, and they were continued by Mr. Van Buren. Mr. Poinsett succeeded General Cass, who, in 1836, was appointed by General Jackson minister to France.

Early in the year 1837, indications were perceived of a money pressure of unexampled severity, not produced as that of 1834 had been, by

the contest with the bank of the United States (for that institution was now only a state bank, and so much embarrassed as to be powerless), but other and more formidable causes. It was some time before those unacquainted with banking operations could be induced to believe the alarm of the bankers in New York and other cities to be so well founded, as experience proved it really was. It was not until the failure of several great commercial and banking houses in New York, New Orleans, and other Atlantic cities, that the panic became general among the people.

The specie circular issued by General Jackson in the summer of 1836, which we have noticed in our account of his administration, had been powerful in its operation upon the banks and currency. This circular, or order, requiring all payments for the public lands to be made in gold or silver, produced frequent and sometimes large drafts for specie on the banks. This course not only prevented the banks from extending their line of discount, but compelled them to commence calling in their circulating notes.

The distribution of the surplus funds among the several states also seriously embarrassed the operations of the banks, and, from the mode in which it was managed, contributed to derange the currency. The banks with whom the accumulated surplus had been deposited, were not prepared for the distribution, inasmuch as they had presumed these funds would generally remain in deposite with them until the exigencies of the government should require its expenditure, and had, therefore, treated the funds of the United States as so much capital on which they could make loans to their customers. They had, therefore, undoubtedly, made large loans, relying on these government funds as an addition to their ordinary means, not likely soon to be called for.

The order issued from the treasury department, in pursuance of the law, for the distribution of these funds among the several states, was to the banks extremely embarrassing, and compelled them to call in their loans. They complained that the mode of distribution adopted by the secretary, Mr. Woodbury, was unwise and unnecessarily oppressive.

Another cause of pecuniary embarrassment and pressure was the excessive importation of merchandise from Europe, beyond the abilities and wants of the country, payments for which falling due, and American credit being impaired in London, occasioned a demand on the banks for specie, to be shipped to Europe.

The reaction in speculation had now commenced, and this accumulation of difficulties could not be withstood by the banks. On the 10th of May, 1837, all the banks in the city of New York, without exception, by common consent, suspended payments in specie. The banks of Boston, Providence, Hartford, Albany, Philadelphia, and Baltimore, and others in every quarter, on learning that the banks in New York had suspended specie payments, adopted the same course. On the 16th of May, the

legislature of New York passed an act authorizing the suspension of specie payments by the banks of that state for one year.

During the preceding two months, unprecedented embarrassments and difficulties were experienced among the mercantile classes, and were felt in all the commercial towns in the United States; especially in New York and New Orleans. The number of large failures which took place in New York in a short time, was about three hundred, their liabilities amounting to many millions. In two days, houses in New Orleans stopped payment, owing an aggregate of twenty-seven millions of dollars. In Boston one hundred and sixty-eight failures took place in six months.

A committee was appointed by a numerous meeting of the citizens of New York, to proceed to Washington and request the president of the United States to rescind the specie circular, to defer commencing suits upon unpaid bonds, and to call an extra meeting of Congress. In their interview with the president they presented an address stating, that "under a deep impression of the propriety of confining their declarations within moderate limits, they affirmed, that the value of their real estate had, within the last six months, depreciated more than forty millions of dollars; that within the preceding two months there had been more than two hundred and fifty failures of houses engaged in extensive business; that within the same period a decline of twenty millions had occurred in their local stocks, including those railroad and canal incorporations which, though chartered in other states, depended chiefly upon New York for their sale; that the immense amount of merchandise in their warehouses had, within the same period, fallen in value at least thirty per cent.; that within a few weeks not less than twenty thousand individuals, depending upon their daily labor for their daily bread, had been discharged by their employers, because the means of retaining them were exhausted; and that a complete blight had fallen upon a community heretofore so active, enterprising, and prosperous: the errors of our rulers," they declared, "had produced a wider desolation than the pestilence which depopulated our streets, or the conflagration which laid them in ashes."

Several petitions from other commercial cities and towns, had been presented to the president, requesting that he would summon a meeting of Congress at an early day. The president for some time declined to act on the petitions, but the suspension of specie payments by the banks, and the consequent exigency in which the financial affairs of the government was placed, finally induced him to issue his proclamation, on the 15th of May, for the convening of Congress on the first Monday in September, on account of "great and weighty matters claiming their consideration."

Previous to the suspension of specie payments by the banks, some of the friends of the president entertained a hope that he would afford some relief to the business community, by revoking the "specie circular" of the treasury department, which had been issued by order of General Jackson

in July, 1836, requiring gold and silver in payments for the public lands; but in this hope they were disappointed, and it was soon evident that it was the intention of President Van Buren to carry out the designs of his predecessor in establishing a specie currency; especially in all concerns relating to the finances of the general government. According to the report of the secretary of the treasury, in December, 1836, the condition of the currency of the United States was estimated as follows at that period: bank paper in active circulation, one hundred and twenty millions of dollars; specie in active circulation, twenty-eight millions; specie in banks, forty-five millions.

The extra session, being the first, of the twenty-fifth Congress, commenced on the 4th of September, 1837, and continued forty-three days, namely, until the 16th of October. The state of parties in the house of representatives was exhibited in the choice of speaker. James K. Polk, the administration candidate, was for the second time elected to that station, receiving 116 votes, against 103 for John Bell (whig), and 5 scattering. It became evident, however, that there was in the administration ranks a small section, whose views respecting the currency did not coincide with those of the president, but were favorable to banking institutions and the preservation of the credit system, as applied to the transaction of the business community. Hence arose a third party, which exercised considerable influence in many parts of the Union, and, adopting the name of "conservatives," eventually became an ally of the whigs, in their opposition to the administration. In consequence of the course of these conservatives, some of the measures recommended by the president were defeated in the house of representatives at this and the following session.

The recommendations of the president in his message to Congress at the extra session, promised no relief to the people. Indeed, the opinion that document distinctly expressed was, that the national legislature could do nothing to mitigate the evils which existed, and which, it stated, were occasioned by the unwise conduct of the business community; that it was not the duty or design of the general government to interfere in such cases. The doctrine was advanced in the message, that all the government could do or was designed to do, was to take care of itself, and could not be expected to legislate with reference to the monetary concerns of the people. The actual condition of the government, in relation to its financial concerns, was stated with great clearness and precision, and the reasons were given which rendered the call of the extra session absolutely necessary.

The most important recommendation of the message, was the measure which received from its opponents the name of the sub-treasury scheme. By the friends of the administration it was called the independent treasury. As the funds of the government were in the possession of banks, all of which refused to pay specie, and the use of their circulating notes

was a violation of the act, or resolution, of Congress, passed in 1816; and the president having been elected under a pledge against a national bank, he recommended that the treasury of the United States should be kept by public officers, and that there should be an entire and total separation of the business and funds of the government from those of the banks.

The announcement of this scheme by the administration, caused great excitement in Congress and among the people. It was very unfavorably received by the political friends of the president, in the different states, who were interested in banks. It was represented by the opposition, whigs and conservatives, as a direct attack upon the banks and what was called the credit system. They insisted, that if the president's views were carried out, the prostration and destruction of all banks would be inevitable, and that finally a metallic currency would alone constitute the circulating medium, which would be wholly inadequate to the exigencies of a commercial community. Another consequence which they predicted, assuming that the banks were to be destroyed, was a reduction of prices, fatal and ruinous to the debtor.*

The official paper at the seat of government, the Globe, having been zealous and active in support of the new treasury scheme, and in opposition to the banking system, the conservatives in the house of representatives opposed the election of the publishers of that paper (Messrs. Blair and Rives) as printers to the house. After several ballottings, the whigs joined the conservatives, and elected Thomas Allen, editor of the Madisonian, a conservative newspaper, printer to the house.

A bill to establish the proposed independent treasury was reported by Mr. Wright, chairman of the committee on finance, in the senate, and, after considerable discussion, passed that body by a vote of 26 ayes, to 20 noes. In opposing the measure, Mr. Clay, of Kentucky, said, that "the project was neither desirable nor practicable, nor within the constitutional power of the general government, nor just; and that it was contrary to the habits of the people of the United States, and dangerous to their liberties. He declared, that after the most deliberate and anxious consideration of which he was capable, he could conceive of no adequate remedy for the disorders which unhappily prevailed, which did not comprehend a national bank as an essential part. The great want of the country was a general and uniform currency, and a point of union, a sentinel, a regulator of the issues of the local banks; and that would be supplied by such an institution." No effort, however, was made at this time to introduce the question of a national bank, in Congress, in consequence of the well-known feelings of the president and his party against it.

The sub-treasury bill from the senate was taken up in the house of representatives, but after an excited debate it was laid on the table, by the combined vote of whigs and conservatives, ayes 120, noes 107. It was

* Hammond.

thus evident that the administration were in the minority on their favorite measure, in the popular branch of Congress. Having passed a bill postponing until January 1, 1839, the deposite with the states, of the fourth instalment of the surplus funds directed to be made with them; acts authorizing the issue of ten millions of dollars in treasury-notes, for the immediate wants of government; appropriating $1,600,000 for the suppression of Indian hostilities in Florida; extending the time of bonds for duties on imports; and providing for adjusting the claims upon the late deposite banks, with a few acts of minor importance; Congress adjourned without carrying out the wishes of either the people or the government, at this extra session.

The second session of the twenty-fifth Congress commenced on the 4th of December, 1837, and continued until the 9th of July, 1838.

The independent, or sub-treasury scheme was again pressed upon the consideration of Congress, by the president, and a bill for that purpose, similar to that proposed at the extra session, being reported in the senate, the subject underwent an elaborate discussion in that body. The bill was ably sustained by Senators Wright, Benton, and others, and opposed also with ability by Mr. Clay, Mr. Webster, and other whig senators. Mr. Clay's speech was of great length, and he endeavored to establish the following proposition: "First, that it was the deliberate purpose and fixed design of the administration of General Jackson to establish a government bank—a treasury bank—to be administered and controlled by the executive department. Secondly, that, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when that administration came into power, beginning with the bank of the United States, and ending with the state banks. Thirdly, that the attack was first confined, from considerations of policy, to the bank of the United States; but that after its overthrow was accomplished, it was then directed, and has since been continued, against the state banks. Fourthly, that the present administration, by its acknowledgments, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding administration, and stands solemnly pledged to complete and perfect them. And fifthly, that the bill under consideration (the sub-treasury plan) was intended to execute the pledge, by establishing, upon the ruins of the late bank of the United States, and the state banks, a government bank, to be managed and controlled by the treasury department, acting under the commands of the president of the United States."

Among those who supported the sub-treasury bill in the senate, was Mr. Calhoun, of South Carolina, who, with the South Carolina members in the house of representatives, now sustained the administration. Mr. Preston, the senatorial colleague of Mr. Calhoun, acted with the opposition.

The sub-treasury bill passed the senate, but was rejected in the house

of representatives on the 25th of June, 1838, by 125 to 111 votes. This plan of finance was proposed originally in Congress in 1834, by Mr. Gordon, of Virginia, but was then opposed by the friends of the administration, and rejected. In the present instance, as at the extra session, the whigs and conservatives combined against the bill.

A bill was passed at this session granting pre-emption rights to settlers on the public lands. Other important acts passed were the following: to establish the territory of Iowa; granting land for opening a canal in the territory of Wisconsin; to encourage the introduction and promote the cultivation of tropical fruits in the United States; making appropriations for lightboats and beacons, and making surveys; authorizing the printing of the Madison papers; to provide for certain harbors, and the improvement of navigation of certain rivers in Florida; making an appropriation for the Cumberland road; appropriating money also for suppressing Indian hostilities, and for fortifications.

Mr. Preston, whig senator from South Carolina, introduced, in the senate, resolutions in favor of the annexation of Texas to the United States, but they did not receive favorable action at this time. The independence of that republic had been recognised by the United States in the last year of General Jackson's administration.

In June, 1838, Mr. Dickerson resigned the office of secretary of the navy, and James K. Paulding, of New York, was appointed in his place.

During this year serious disturbances against the colonial government occurred in Canada, and many of the citizens of the United States, on the northern frontiers prepared to join them. President Van Buren, therefore, issued a proclamation, calling upon all the persons engaged in the schemes of invasion of Canada, to abandon the design; and warning all those who had engaged in these criminal enterprises, if persisted in, that, "to whatever condition they may be reduced, they must not expect the interference of the United States government, in any form, on their behalf, but would be left, reproached by every virtuous fellow-citizen, to be dealt with according to the policy and justice of that government whose dominions they have, in defiance of the known wishes and efforts of their own government, and without the shadow of justification or excuse, nefariously invaded."

Although there were many individuals largely interested in banks, who continued in good faith to support the democratic party, and the administration of Mr. Van Buren, yet it was generally believed that the great mass of the banking interest was brought to bear against the administration. The state banks, in many instances, had sustained, with all their influence, General Jackson, in his veto of the United States bank bill, and in the transfer which he made of the deposites from the national to the state banks; but when President Van Buren recommended the removal of the

deposites from the state banks, and the establishment of the independent treasury, it was quite another matter.*

The agitation of the currency question, and a combination of causes adverse to the administration, resulted in a great political change at the elections in the important state of New York, in 1837 and 1838. The influence of these elections in the native state of the president, which had previously sustained him by large majorities, could not fail to act upon other states; and it was soon evident, notwithstanding partial successes of the democratic party in some of the states, that the administration was gradually declining in popularity.

The twenty-fifth Congress held its third session from the 3d of December, 1838, to the expiration of its term, on the 3d of March, 1839. But few acts of general interest were passed. Among them may be named an act for preventing and suppressing Indian hostilities; this law related particularly to the difficulties with the Seminole tribe in Florida. The war with these Indians was continued during several years, and large sums were expended in maintaining it. In 1836, one million and a half of dollars were appropriated to prosecute that unfortunate contest. In January, 1837, two millions more were voted by Congress for the purpose. These appropriations were made before the retirement of General Jackson. At the extra session, in October, 1837, and in the two succeeding sessions, large amounts were again appropriated. When the difficulty arose with the Seminoles, President Jackson supposed that it would soon be terminated. And no one, at that time, had any reason to suppose that it would continue for years, and have cost the government eight or ten millions.†

Another act was passed at this session, locating and providing for the Seminole Indians, who had been removed from Florida; another abolishing imprisonment for debt in certain cases. The aspect of our relations with Great Britain was at this time threatening, in consequence of the difficulty respecting the northeast boundary. Congress, therefore, passed an act giving to the president additional powers for the defence of the United States.

During the summer of 1839, President Van Buren visited the state of New York, for the first time since his election. He travelled through the state, stopping at the principal cities and villages. He was received with public honors, and followed by processions of citizens, civil and military. In an address made to him by Mr. Edmonds, formerly a state senator, upon his arrival at New York, he made some remarks which rendered it necessary for Mr. Van Buren to speak of political parties and his own political friends, and of course to express his strong attachment to those friends. This gave occasion to the opposition to represent, that instead of coming on a visit to the whole people, as a president of the United

* Hammond. † Bradford.

States ought to do, he was on an electioneering tour, for the sole purpose of stimulating his friends to more active exertions, and of recruiting their dilapidated ranks by proselytes whom he was to gain from his political opponents. Hence everything he did, and every word he uttered, was the subject of the most critical and jealous scrutiny.*

In the election of members of the twenty-sixth Congress, there had been a considerable gain for the whigs and conservatives, and, until the fall of 1839, it appeared probable that there would be an opposition majority in the house of representatives. But the friends of the administration made a desperate rally in a few of the last states which chose representatives to the twenty-sixth Congress, and succeeded in returning a small majority of the members elect, leaving out of view five of the six representatives from the state of New Jersey, whose seats were contested. The full returns of members elected to the house of representatives were reported to stand thus: administration 119, opposition 118, and five members from New Jersey claimed by both parties, the certificates of election being given to the whig candidates, and their seats contested by the administration candidates. In this situation of affairs, intense interest was felt, throughout the country, with regard to the meeting of Congress.

The twenty-sixth Congress met on the 2d of December, 1839. Every member elect of the house of representatives was present, except Mr. Kempshall (whig), from Monroe county, New York, who was detained by sickness in his family. On the assembling of the house, the clerk of the last house, Mr. Garland, a friend of the administration, agreeably to the usual custom, commenced calling the roll; and having called the members from the several New England states and the state of New York, and one of the six members from the state of New Jersey, who all brought the regular certificates, proposed to pass by the other five (whose rights to seats would be contested) till the members from the rest of the states should be called. This brought on a long, animated, and disorderly debate. Scenes of excitement and confusion continued until the 5th, when Mr. John Quincy Adams, of Massachusetts, addressed the members, and called upon them to organize, by choosing a chairman *pro tem.* Thereupon Mr. Rhett, of South Carolina, nominated Lewis Williams, of North Carolina, as chairman: he declined; when Mr. Rhett nominated John Quincy Adams, who was immediately chosen chairman *pro tem.*, and entered upon the duties of the same. The debate respecting the contested seats from New Jersey was continued from day to day till, on the 16th of December, Robert M. T. Hunter, of Virginia, an opposition member (but in favor of the subtreasury), was elected speaker on the 11th ballot. He received 119 votes, to 113 for all others. On the 17th, the members of the house of representatives were sworn, with the exception of the five disputed members from New Jersey. The whigs having the certificates of election, under

* Hammond.

the broad seal of the governor, now came forward and demanded, as their right, to be sworn, which gave rise to a new and and animated debate, and on the 20th the following resolution was decided in the negative, by a vote of 112 to 116: "*Resolved*, That the representatives of the twenty-sixth Congress, now present, do advise and request the speaker to administer the oath required by law, to the five gentleman from the state of New Jersey who have presented credentials to the speaker and demand to be sworn." On the 21st the house completed its organization, by the election of a clerk; and on the 24th the president's message was delivered, just three weeks after the regular time.

A national convention of the whig party was held at Harrisburg, Pennsylvania, on the 4th of December, 1839, for the purpose of nominating candidates for president and vice-president of the United States. Great difference of opinion prevailed among the whigs, with respect to a suitable candidate for president, regard being especially had to the importance of nominating one upon whom the different elements of which the opposition to the administration was composed could unite with the cordiality and zeal required to be effectual.

It was the expectation of a large proportion of the whig party, especially of those who had been originally opposed to the administration of General Jackson, that Henry Clay, of Kentucky, would receive the nomination of the national convention at Harrisburg, as the opposition candidate for president. Some time before the assembling of that convention, it had been proclaimed that a clear majority of the whole number of delegates had been chosen as friendly to the nomination of Mr. Clay. Yet, during the autumn of the year 1839, notwithstanding the unpopularity of the administration, the whig party met with defeats in the elections in Tennessee, Georgia, Maryland, Ohio, Indiana, Massachusetts, Pennsylvania, and Maine. In New Jersey they held the legislature, with a strong majority against them in the popular vote. In New York the whig majority in the state was about 4,000 on the vote for senators, against 10,000 in 1838, and 15,000 in 1837. In North Carolina the whig triumph was not of a decisive character. These results showed that the opposition were losing in 1839 the advantages they had gained in 1837 and 1838, and this cast a shadow over the spirits of the reflecting friends of Mr. Clay. Under these circumstances, many of those friends began to doubt the expediency of placing him in nomination in opposition to Mr. Van Buren; particularly when it was known that the friends of the administration were desirous that Mr. Clay should be the opposition candidate. In that case, inasmuch as they believed that gentleman could not concentrate the opposition vote in his favor, they anticipated an easy victory for the democratic party at the approaching election.

Mr. Clay himself seemed to acquiesce in the doubts expressed by some of his friends, as to his own comparative strength with the whig party. In

the summer of 1839, he made a visit, for health and recreation, to the country on the lakes, Canada, and the state of New York. At the city of Buffalo he yielded to the request of his friends, to address the people on the state of public affairs. Alluding to the approaching nomination and election of president, he said: "To correct past evils and to avert impending dangers, we see no effectual remedy, but in a change of our rulers. The opposition constitutes the majority—unquestionably the majority—of the nation. A great responsibility, therefore, attaches to it. If defeated, it will be defeated by its own divisions, and not by the merits of the principles of its opponents. These divisions are at the same time our weakness and their strength.

"Are we not, then, called upon, by the highest duties to our country, to its free institutions, to posterity, and to the world, to rise above all local prejudices, and personal partialities, to discard all collateral questions, to disregard every subordinate point, and, in a genuine spirit of compromise and concession, uniting, heart and hand, to preserve for ourselves the blessings of a free government, wisely, honestly, and faithfully administered, and as we received them from our fathers, to transmit them to our children? Should we not justly subject ourselves to eternal reproach, if we permitted our differences about mere men to bring defeat and disaster upon our cause? Our principles are imperishable, but men have but a fleeting existence, and are themselves liable to change and corruption during its brief continuance.

"If my name creates any obstacle to union and harmony, away with it, and concentrate upon some individual more acceptable to all branches of the opposition. What is a public man worth, who is not ready to sacrifice himself for the good of his country? I have unaffectedly desired retirement; I yet desire it, when, consistently with the duties and obligations which I owe, I can honorably retire."

In the ranks of the opposition to the administration were many who had formerly supported the election of General Jackson, and still retained a prejudice against Mr. Clay; there were also in the same ranks, large numbers of anti-masons who were unwilling to support a mason for the presidency, and Mr. Clay had been a member of the lodge; then came the anti-tariff whigs in the southern states, and the squatters on the public lands, at the west; with both of which classes Mr. Clay was unpopular, from the measures advocated by him in Congress being adverse to their views and feelings. In view of these circumstances, and believing that to command success the whig candidate for the presidency must receive the united support of the different branches of the opposition, many of the leading whigs exerted themselves to prevent the nomination of Mr. Clay. It was even charged by those friends who were anxious for his nomination, that intriguers were busy, before the meeting of the convention, by correspondence and otherwise, in circulating false reports with regard to

Mr. Clay's unpopularity, and thus influencing the election of delegates and their action in the convention.

On the meeting of the convention at Harrisburg, three names were presented as candidates for the nomination of a president of the United States, namely, Henry Clay, of Kentucky, General William Henry Harrison, of Ohio, and General Winfield Scott, of the United States army; all three of whom were natives of Virginia. Twenty-two states were represented in the convention, and on an informal ballot *per capita*, it was found that Mr. Clay had a decided plurality, but neither of the candidates had a clear majority of the delegates. It was then determined to vote by states, each state to be entitled to as many votes in the convention as it had electoral votes. On the first ballot, 103 votes were given to Clay, 94 to Harrison, and 57 to Scott; after which, each delegation compared views, and endeavored to ascertain which of the three candidates had the best prospects of success, if nominated. The result of their inquiries was a decided preponderance of chances in favor of General Harrison, and, after being in session three days, the convention took a final ballot, when Harrison received 148 votes, Clay 90, and Scott 16. William H. Harrison was therefore declared duly nominated as the whig candidate for president. John Tyler, of Virginia, was unanimously nominated for vice-president. Mr. Tyler had been a candidate for the same office in 1836; was now a member of the convention, and had been anxious for the nomination of Mr. Clay.

Those friends of Mr. Clay in the convention who had adhered to him as the best candidate, expressed their cordial concurrence in the decision in favor of General Harrison. A letter from Mr. Clay to one of the delegates was read, in which he remarked, that "if the deliberation of the convention should lead them to the choice of another, as the candidate of the opposition, far from feeling any discontent, the nomination would have his best wishes, and receive his cordial support."

The example of Mr. Clay was followed throughout the Union, notwithstanding the first feelings of disappointment with which the decision of the convention was received by many. The nomination of Harrison and Tyler was everywhere popular, and united in its support the entire force of the opposition.

The national democratic convention, consisting of about 250 members, from twenty-one states, met at Baltimore on the 5th of May, 1840. Mr. Van Buren was unanimously nominated for president, and the convention resolved to make no nomination for vice-president, leaving each state to make its own nomination of a candidate for that office. The principal candidates nominated in the different states for vice-president, were the incumbent, Richard M. Johnson, of Kentucky, and James K. Polk, of Tennessee.

The early part of the first session of Congress was taken up, in the

house, in discussions respecting the contested seats of the New Jersey members. That matter being settled, by admitting the democratic claimants to the seats, the house proceeded to the consideration of the subjects submitted to them by the president. Long and able debates took place on the bill for establishing an "independent treasury," which had been twice rejected by the last Congress. It was now passed, toward the close of the session, and was signed by the president on the 4th of July, 1840, when it became a law. A bankrupt law being much called for by the trading community, a bill was introduced at this session, and passed the senate, but was laid on the table in the house of representatives, 101 to 89.

But few laws of general interest were passed at this session. Appropriations for fortifications, and for the usual expenditures of government, were made. An act was passed to refund to Matthew Lyon the amount, with interest, paid by him as a fine for violating the sedition law.

Some changes took place in the cabinet, in addition to those already mentioned. In 1838 Benjamin F. Butler resigned as attorney-general, and Felix Grundy, of Tennessee, was appointed in his place; in 1839 Mr. Grundy resigned, and Henry D. Gilpin, of Pennsylvania, received the appointment in his place; Amos Kendall resigned the office of postmaster-general, and John M. Niles, of Connecticut, was appointed in his place, on the 25th of May, 1840.

The elections for state officers in several of the states, during the summer and autumn of 1840, indicated the success of the whigs at the approaching presidential election. The contest of the two great parties at the latter, was the most exciting and arduous ever witnessed in the United States. Electoral tickets in favor of the re-election of Mr. Van Buren were formed in every state in the Union, and the whigs also nominated electors in every state except South Carolina.

A third party, in favor of the abolition of slavery, had also been for some time organized, and now nominated as a candidate for president, James G. Birney, of Michigan.

The result of the election was the success of the whig candidates, Harrison and Tyler, by a large majority in the electoral colleges and on the popular vote. The electoral votes stood, for president, Harrison 234, Van Buren, 60; for vice-president, Tyler 234, R. M. Johnson 48, L. W. Tazewell 11, James K. Polk 1.

The second session of the twenty-sixth Congress was held from the 7th of December, 1840, to the 3d of March, 1841, when their term expired. Very few public acts of interest or importance were passed at this session. Appropriations were made for certain fortifications, and for Indian affairs; and an act was passed authorizing another issue of treasury-notes. A bankrupt law was again discussed, but was not definitely acted upon.

In the senate Mr. Clay offered the following resolution, to test the disposition of the administration party to conform to the expression of public opinion, by repealing the sub-treasury law: "*Resolved*, That the act entitled, 'an act for the collection, safe-keeping, transfer, and disbursement of the public revenues,' ought to be forthwith repealed, and that the committee on finance be instructed to report a bill accordingly." This resolution was rejected by the senate, and the repeal of the law was left for the new administration.

The public expenditures during this administration greatly exceeded those of any preceding four years, since the war with Great Britain, exclusive of the public debt and the Florida Indian war. Public agents were multiplied, and increased compensation, in many cases, allowed them for their services. Large sums were lost to the national treasury by the defalcation of public officers, and the failure of deposite banks.

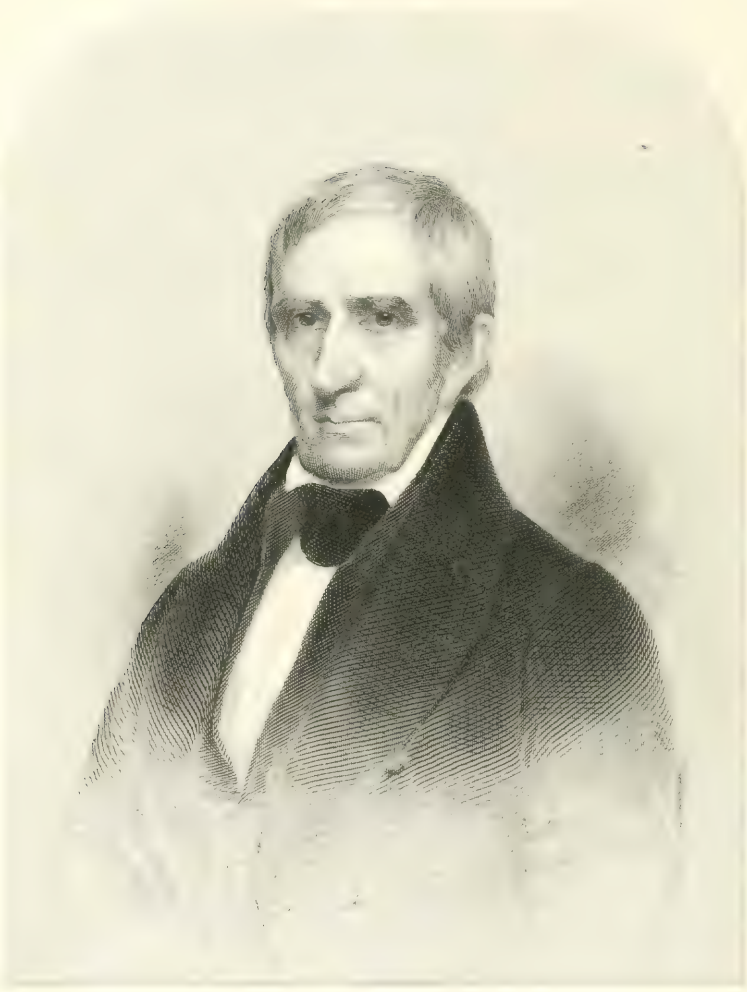
The character of Mr. Van Buren's administration is, of course, differently estimated by his countrymen, according to their political bias or preferences, and our readers may form their own estimate, from a perusal of the preceding brief narrative of the leading political events of this exciting period.

Although a majority of the house of representatives, in the twenty-fifth Congress, was opposed to his administration, or some of his leading measures, Mr. Van Buren did not exercise the veto power during the four years of his presidential term.

A writer in the Democratic Review for April, 1840, makes the following comparison of this with former democratic administrations:—

"The great event of President Jackson's administration was the contest with the bank of the United States, and its destruction as a federal institution—that of Madison's was the war—while Jefferson's was rather a general revolution of the anti-democratic spirit and policy of the preceding administration, than marked by any single salient point of such historical prominence as to give its character and name to the period. The great event of Mr. Van Buren's administration, by which it will hereafter be known and designated, is the *divorce of bank and state*, in the fiscal affairs of the federal government, and the return, after half a century of deviation, to the original design of the constitution."

The same writer informs us that Mr. Van Buren remarked to a friend, previous to writing his message recommending the independent treasury: "We can not know how the immediate convulsion may result, but the people will, at all events, eventually come right, and posterity at least will do me justice. Be the present issue for good or for evil, it is for posterity that I will write this message."



W. H. Harrison

BIOGRAPHICAL SKETCH

OF

WILLIAM HENRY HARRISON.

The family of Harrison is one of the most ancient and honorable in the history of Virginia. Among the early settlers of the colony was a lineal descendant of that General Harrison who bore a distinguished part during the civil wars of England, in the army of the Commonwealth.

Benjamin Harrison (of the same stock), the father of the subject of this memoir, was one of the signers of the declaration of independence, and among the most prominent of the illustrious men of his eventful day, having filled the executive chair of the "Old Dominion" at a period when moral daring and personal fearlessness were essential to the incumbent of that station. He was previously an active and influential member, both of the house of burgesses in Virginia, and of the continental Congress. Of the former body he was repeatedly chosen speaker, and in the latter, in June, 1776, he introduced the resolution which declared the independence of the colonies, and on the following fourth of July, as chairman of the committee of the whole, he reported the more formal declaration to which his signature is affixed. Governor Harrison died in 1791, after the most eminent public services, and the expenditure of an ample fortune in the cause of his country.

William Henry Harrison, the third and youngest son of the preceding, and ninth president of the United States, was born on the 9th of February, 1773, at Berkeley, on the James river, in Charles city county, Virginia. On the death of his father, he was placed under the guardianship of his intimate friend, Robert Morris, of Pennsylvania, the great financier of the revolution. Young Harrison was educated at Hampden Sidney college, in his native state, and afterward applied himself to the study of medicine as a profession. But before he had completed his course of studies as a physician, the barbarities of the Indians upon the western frontiers excited a feeling of indignation throughout the country. Har-

rison resolved to give up his profession and join the army raised for the defence of the Ohio frontier. His guardian, Mr. Morris, attempted to dissuade him from his purpose, but his resolution was not to be shaken, and on communicating with General Washington, that distinguished man cordially approved of the patriotic determination of the son of his deceased friend and associate.

At the age of nineteen, Harrison received from President Washington the commission of ensign in a regiment of artillery, and joined his corps at Fort Washington, on the Ohio, in 1791. A reinforcement was ordered to march for Fort Hamilton, on the Miami, a task which it required no ordinary degree of courage to accomplish, as they had to pass through forests infested by hordes of the hostile tribes, and Harrison was chosen to the command of the body of men forming the escort. The dexterity and skill which he displayed in the prosecution of this arduous duty, gained for him the approbation of his commanding officer, General St. Clair. He rapidly gained the entire confidence of his officers, and in 1792 was promoted to the rank of lieutenant.

During the following year Harrison joined the new army under the command of General Anthony Wayne, an officer whose intrepidity and daring impetuosity, accompanied at the same time with consummate skill, during the war of the revolution, obtained for him the title of "Mad Anthony." It was a period, indeed, worthy of such a man, for the repeated successes and incursions of the savage enemy had not only infused among the people generally, but even throughout the army itself, such terror and dread of these merciless foes, as greatly to paralyze their energies, and to render the duties of the commander extremely arduous and difficult. The instructions, indeed, which were forwarded by Congress to General Wayne, contained the following ominous expression: "Another defeat would prove inexpressibly ruinous to the reputation of the government;" and consequently, in such a critical juncture, every available facility was rendered him. On the 25th of May, 1792, he repaired to Pittsburg, which was selected as the place of rendezvous. The newly-organized army consisted of a major-general, four brigadier-generals, with their respective staffs, the commissioned officers, and over five thousand rank and file; which was designated, "the legion of the United States." Although this collective force had the effect of partially restoring the spirit and energy of the soldiers, they continued to desert in considerable numbers. To remedy this evil, General Wayne applied himself at all intervals of leisure, to the disciplining of his troops, with unremitting assiduity. Thus it must be obvious, that the early military career of Harrison had but few attractions for those who were not, like him, actuated solely by the true spirit of generous patriotism.

Finding all amicable negotiations with the Indians unavailing, no alternative was left to General Wayne but to adopt the most rigid and decisive

measures; accordingly we find him breaking up his winter quarters, about the end of April, 1793, and transporting his army in boats down the Ohio to Fort Washington, an outpost situated upon the site now occupied by the city of Cincinnati. Having at length received instructions from the secretary of war to commence active operations, he left Fort Washington in October, 1793, and advanced with his army along the southwestern branch of the Miami, where he took up his position, and erected fortifications. To this post he gave the name of Greenville, and here the army went into winter quarters. General Wayne sent a detachment to take possession of the ground on which General St. Clair and his army had been defeated by the Indians two years before. Harrison volunteered for the service, and was accepted by the commander.

The battle-ground was taken possession of by the troops, and a fortification erected, to which the name of Fort Recovery was given. The bones of the soldiers slain on the fatal 4th of November, 1791, were collected, and interred with military honors. The artillery lost on that occasion were recovered; and on the return of the troops from the expedition, the name of Lieutenant Harrison, among others, was mentioned by General Wayne, in his general order of thanks to the officers and men for their gallant conduct on the occasion.

On the 30th of June, 1794, a fierce attack was made by large numbers of the Indians, upon the newly-constructed works at Fort Recovery; they were, however, repeatedly repulsed, and the arrival of a body of militia from Kentucky enabled General Wayne to force them to retreat with great loss.

Being reinforced by a body of mounted volunteers from Kentucky General Wayne advanced seventy miles to Grand Glaize, in the very heart of the Indian territory. Here he erected a fort which he called Defiance, at the confluence of the Maumee and Au Glaize rivers.

Agreeably with his instructions, General Wayne renewed his overtures of peace, which again being rejected by the Indians, he prepared to bring them to a decisive settlement. In the heroic engagement or battle of the Maumee rapids, which ensued, on the 20th of August, 1794, the consummate skill of the general, as well as the valor of his troops, were alike re splendent with the important consequences which resulted from the action. In the official account of this battle, we also find the name of Lieutenant Harrison complimented by the commander-in-chief as his "faithful and gallant aid-de-camp," in having "rendered the most essential service by communicating his orders in every direction, and for his conduct and bravery, in exciting the troops to press for victory." The Indians now proposed to capitulate with General Wayne, and the result was, a treaty of peace was concluded, by which the United States obtained cessions of considerable tracts of land, as well as secured tranquillity to the border settlements. The news of Wayne's victory had a favorable effect upon

our pending negotiations in London, and was supposed to have enabled the American special minister, Mr. Jay, to secure the assent of Lord Grenville to the surrender to the United States of all the forts held and occupied by the British in the northwest, within the jurisdiction of our government. Thus undisputed possession of the territory northwest of the Ohio was obtained, and emigration to that country received a new and favorable impulse.

Not long after the close of this campaign, Harrison was promoted to the rank of captain; and as an additional proof of the confidence reposed in his discretion and ability, by General Wayne, he was placed in command of Fort Washington. While at this place (where Cincinnati now stands), being now about twenty-one years of age, he married the daughter of John Cleves Symmes, the founder of the Miami settlements. "She has been," says Mr. Hall in his memoir, "the faithful companion of this distinguished patriot during the various perils and vicissitudes of his eventful life, and still lives to witness the maturity of his fame, and the honors paid him by a grateful country."

He continued in the army till the close of the year 1797, when, soon after the death of General Wayne, as peace had been ratified with the Indians, and the opportunity to serve his country in the field appeared to exist no longer, he resigned his commission. Scarcely had this event transpired, than he was appointed, by President Adams, secretary and *ex officio* lieutenant-governor of the northwestern territory. While in this station, in October, 1799, he was elected, by the legislature of that territory, their first delegate to Congress. He was at this time about twenty-six years of age, and took his seat in the house of representatives, at the first session of the sixth Congress, in 1799. Previous to proceeding to the seat of government, he resigned his office of secretary of the territory. In 1798, the northwestern territory contained five thousand white male inhabitants, and was admitted as a matter of right to the second grade of government, provided for in the ordinance of 1787. At that time great unanimity prevailed in the territory on political questions; though the states were rent, and almost torn asunder, by party strife. The election of the elder Adams had met with general approbation among the people of the territory, and resolutions had been passed at popular meetings to sustain his administration, against the encroachments of France. An address was adopted by the legislature of 1799, to John Adams, president of the United States, approving of his administration. But few individuals were to be found who then advocated the election of Mr. Jefferson against Mr. Adams. Harrison having early imbibed democratic opinions, was one of the few who preferred Jefferson. His election as delegate to Congress was not effected by a party vote; the same legislature which adopted the address to Mr. Adams with only five dissenting votes, elected Harrison by eleven votes, against ten for Arthur St. Clair, Jr.

Though he represented the territory but one year in Congress, Harrison obtained some important advantages for his constituents. He introduced a joint resolution to subdivide the surveys of the public lands, and to offer them for sale in small tracts; he succeeded in getting that measure through both houses, in opposition to the interest of speculators who were, and who wished to be, the retailers of land to the poorer class of the community. His proposition became a law, and was hailed as the most beneficent act that Congress had ever done for the territory. It put it in the power of every industrious man, however poor, to become a freeholder, and to lay a foundation for the future support and comfort for his family. At the same session, he obtained a liberal extension of time for the pre-emptioners in the northern part of the Miami purchase, which enabled them to secure their farms, and eventually to become independent and even wealthy.*

Congress, at that session, divided the northwestern territory, by establishing the new territory of Indiana, of which Harrison was appointed governor. He also received the appointment of superintendent of Indian affairs, and resigned his seat in Congress.

The new territory of Indiana then included not only the present state of Indiana, but those of Illinois, Michigan, and Wisconsin. The seat of government was at Vincennes, a village on the Wabash. This large extent of territory, however, contained but a scanty population, and therefore according to the laws of the United States, the executive authority of the territorial government was very extensive. The governor possessed the power of negativing bills passed by the territorial legislature, of enforcing the laws, of the appointment of magistrates, of making townships, confirming grants of lands, and other equally onerous duties; which rendered the office one of peculiar and important responsibility. To one of less rigid integrity and scrupulous regard for the public interest, the opportunity was offered for much personal aggrandizement, and the acquisition of great wealth; but this, it is well known, was never dreamed of by the individual who then occupied the trust. He never availed himself of the opportunity to enhance his own private interests, directly or indirectly; and his honor and disinterested integrity were not even suspected.

Besides being superintendent of Indian affairs, he was made commander-in-chief of the militia, and all the officers below the rank of general received their commissions from him. In 1803, Mr. Jefferson appointed him sole commissioner for treating with the Indians. By virtue of this authority, Harrison negotiated, in 1804, a treaty with the Sacs and Foxes, establishing amicable relations with those tribes, and obtaining the cession of the largest tract of country ever yielded by the Indians at one time since the settlement of America, consisting of upward of fifty millions of acres of the valuable region between the river Illinois and the Mississippi, with

* Judge Burnet's Letters.

a northern boundary stretching from the head of Fox river to a point on the Wisconsin, thirty-six miles above its mouth. Considerable tracts of land between the Ohio and the Wabash, and extending from Vincennes westward to the Mississippi, were likewise purchased by annuities, from the Delaware and Miami Indians.

Such was the high estimation with which his conduct as governor was regarded, that for a period of thirteen years, at the termination of every successive term of office, he was reappointed at the earnest solicitation of the people of the territory, and with the public expression of the most flattering approbation on the part of the president of the United States; and this, notwithstanding the changes in the administration—his first appointment having been made by Mr. Adams, his second and third by Mr. Jefferson, and the fourth by Mr. Madison.

During the year 1806, the plans of the general government for the civilizing and conciliating the Indian tribes, were entirely frustrated by the intrigues of the two celebrated chiefs of the Shawnee tribe, Tecumseh, and his brother, the Prophet. The aim of these chiefs was, to induce all the surrounding tribes to form a common league against the United States, for the purpose of preventing the settlements of the whites from being extended farther west, and by making a simultaneous attack on the frontier settlements, to expel the whites from the valley of the west. The American government was informed that British emissaries from Canada were employed in forming alliances with the most powerful chiefs, and fomenting their hostility against the people of the United States.

A variety of circumstances invested the Prophet with a prodigious influence over the tribes; he is said, indeed, to have possessed the faculty of appealing to them more eloquently and gracefully than almost any other Indian. He resorted to every imposture and stratagem of which even an Indian is capable, for the furtherance of his project; asserting, among other absurdities, that he possessed the power of preventing the bullets of the enemy from taking effect upon his adherents.

In the course of the subsequent year, Governor Harrison received intelligence of the hostile demonstration of the congregated tribes; in consequence of which he sent a messenger to the Shawnees, strongly reprehending their conduct, and warning them to refrain from further listening to the fatal instructions of the Prophet. The deluded and superstitious Indians, however, disregarding the admonition, continued to collect in great numbers in the vicinity of Fort Wayne, and having entirely neglected their cornfields, they soon began to find themselves in a state bordering upon starvation. Again, in the hope of conciliating them, the governor, with his accustomed humanity and policy, ordered them supplies forthwith from the public stores.

The Prophet had now selected as his residence, a spot situated on the upper part of the Wabash, called Tippecanoe, where his infatuated fol

lowers soon rejoined him. In July he visited the governor, when, with a cunning and duplicity common to his race, he loudly protested against the evils of war and the use of spirituous liquors, and affected the greatest desire for amity with the Americans. Governor Harrison was, however, too shrewd to be thus imposed upon by these specious pretences, and in his reply told him, that he might come forward and exhibit any title he might have to the lands transferred by the treaty, and that if it was found to be just and equitable, they would be restored, or an ample equivalent given for them. But the results of the interview proved anything but satisfactory to the absurd requirements of the Prophet, as he claimed all the lands that had formerly belonged to the several tribes, and insisted that their disposal could not have been valid but with the consent of all the tribes in common. Accordingly, he redoubled his exertions for the concentration of the western tribes, studiously guarding his movements from the governor, lest he should become apprized of his intentions. He had about him, at this time, one thousand warriors, and these continued to commit the most atrocious deeds of depredation along the frontier, till at length even the governor's house was scarcely considered secure from their hostile attacks.

In September, 1809, a council was convened at Fort Wayne, at which Governor Harrison negotiated with the Miamies, Delawares, Pottawatomies, and Kickapoos, for purchasing a large tract of country on both sides of the Wabash, extending along that river more than sixty miles above Vincennes. Tecumseh, who was at this time absent on a visit to some distant tribes, expressed, on his return, great dissatisfaction, and threatened the lives of some of the chiefs who had concluded the treaty. On hearing this, the governor invited him to come to Vincennes, with the direction that he should not be allowed to bring with him more than thirty warriors; this restriction, however, he evaded, on the pretext of suspecting some treachery on the part of the Americans, and he, instead, brought with him four hundred men, armed. This circumstance alone was sufficient to excite the suspicions of the governor, but when, added to this, the chief refused to hold the council at the appointed place, which was under the portico of the governor's house, and insisted on having it take place under some adjacent trees, his apprehensions were still greater. At this council, held on the 12th of August, 1810, Tecumseh again complained of the alleged injustice of the sale of their lands; to which the governor replied, that as the Miamies had found it to their interest to make the disposal, the Shawnees, from a distant part of the country, could have no just ground for remonstrance, or right to control them in their disposing of the property. Tecumseh fiercely exclaimed, "It is false!" and giving a signal to his warriors, they sprang upon their feet, and seizing their war-clubs and tomahawks, they brandished them in the air, ferociously fixing their eyes upon the governor. The military escort of Harrison on the occasion numbered only twelve, and they were not near his person,

having been directed by him to retire for shelter from the heat, under some adjacent trees.

In this critical moment of excitement, the guard immediately advanced, and would have instantly fired upon the infuriated Indians, had it not been for the coolness and self-possession of Harrison, who, restraining them, and placing his hand upon his sword, said, in a calm, but authoritative tone, to Tecumseh: "You are a bad man: I will have no further talk with you. You must now take your departure from these settlements, and hasten immediately to your camp." On the following day, however, finding he had to deal with one so dauntless, Tecumseh solicited another interview, apologizing for his insolent affront. The precaution was now taken to defend the town, and place the governor in an attitude more likely to command their respect, by having two companies of militia in attendance. At this council the chiefs of five powerful tribes rose up, declaring their determination to stand by Tecumseh; to which the governor replied, that "their decision should be reported to the president;" but adding, that he would most certainly enforce the claims of the treaty. Still anxious, if possible, to conciliate, rather than coerce the haughty chief, he paid him a visit the next day at his camp, when, repeating in substance what has already been given, Tecumseh replied: "Well, as the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up this land. It is true, he is so far off that he will not be injured by the war; he may sit still in his town and drink his wine, while you and I will have to fight it out." Shortly after this, the Shawnee chief withdrew to Tippecanoe, the residence of the Prophet, where he is said to have formed a combination of several tribes.

In July, 1811, another messenger was sent, commissioned by the governor to demand the surrender of two Pottawatomie murderers who were at Tippecanoe, but without the desired effect. Indeed, such were the lawless and daring outrages which they now committed upon the more exposed settlements on the frontier, that at length, through the earnest solicitations of the people, directions were forwarded from the federal government to the governor to march forthwith against the Prophet's town with an armed force, with this injunction, however, "to avoid hostilities of any kind or degree not absolutely necessary." These instructions rendered the situation of Harrison one of great delicacy and responsibility, being equivalent to allowing the Indians the right of commencing the action.

The receipt of the governor's authority was hailed by the settlers with great enthusiasm, as they had long suffered severely from the incursions of these ruthless marauders, and, reposing unlimited confidence in the skill and courage of their commander, they viewed the measure as the only one which could insure to them the continued possession of their property, and even of life itself. Accordingly, a hastily-assembled force,

consisting of about nine hundred men, commenced its march from Fort Harrison, which was situated about sixty miles above Vincennes, on the 28th of October. After a protracted and somewhat difficult advance, through open prairies, thick woods, and deep ravines, constantly on th ir guard against surprise, they arrived within sight of the Indian town. Here the enemy began to appear in considerable numbers. Wearied with the fatigue of their expedition, after a brief conference, the troops encamped ; every precaution having been taken, however, to prevent surprise by the savages, as they apprehended an attack during the night.

In conformity to a general order, the troops rested in their clothes and accoutrements, their loaded muskets by their sides, and their bayonets fixed. The officers, of course, rested like the soldiers—the governor being ready to mount his horse in an instant. The night passed without a sound, and the governor and his aids rose a quarter before four, and were conversing around their fire. The new moon had risen, but afforded little light, the sky being obscured by ragged clouds, from which a drizzling rain fell at intervals. In a few minutes the signal would have been given to call the men to arms, when a blaze from Indian rifles lighted up the scene. The savage warriors had crept up as near the sentries as possible, in the darkness, intending to rush forward and despatch them without noise, and then fall upon their sleeping comrades in the camp. But one sentinel discovered what he rightly suspected to be an Indian creeping through the grass, and instantly gave him the contents of his musket. That discharge settled all doubts. Our men were started to their feet by a tremendous yell from a thousand savages, accompanied by a general volley from their rifles, and a desperate charge into the camp. But they found as warm a welcome. Every man rose on the post assigned him, with musket in hand, ready for thrust or rally. The attack centred on the sharp rear angle of the left flank, which was for some minutes exposed to a destructive fire. But this angle was promptly reinforced, and the enemy beaten back with loss, several being killed within the lines of the camp. The fires, which first served to direct the aim of the savage rifle, were promptly extinguished. But the enemy had still the advantage of shelter in the bushes and grass, and a knowledge of the ground, which rendered a charge upon them in the darkness almost certain destruction. An attempt was volunteered to rout them from their hiding-places, by a company headed by the gallant Jo. Daviess, but repulsed with loss. and among the slain was their lamented leader.

The battle still raged with desperation. The savages were bent on victory, and well organized for the contest, advancing and retreating by a rattling noise made with deers' hoofs. The governor was at every point of danger; animating and encouraging the men where hardest pressed, ordering up companies to their support, and courting danger as if unaware of its existence. All of the troops were conducted and formed by

himself. It need not be added that every man stood his ground like a hero.

The battle was fierce, but daylight at length broke on the combatants—a light most welcome to our harassed soldiers—fatal to their foes. The assailed left flank was fully strengthened, the dragoons were mounted, and, covered by them, a general charge was made upon the now baffled and dispirited enemy. The Indians gave way, and were driven into a swamp, through which the cavalry could not force their way. Repulsed in all quarters, the savages disappeared from the field, and the battle of Tippecanoe was at an end.

Such was the extraordinary influence that the Prophet retained over the minds of the infatuated savages, that they are said to have fought with desperate and unprecedented valor on the occasion, although he himself was snugly ensconced on some neighboring eminence, simply regaling his devotees with war-songs, and practising absurd incantations. Tecumseh also was, at the time, absent on a visit to some southern tribes.

The battle of Tippecanoe may unquestionably be regarded as one of the most memorable and decisive engagements ever fought with the Indians. The intrepidity and self-possession of the commander was also signally displayed on the occasion. "In the very heat of the action," says a contemporary record, "his voice was distinctly heard, giving orders in the same cool and collected manner with which he had been accustomed when on drill or parade; nor was his personal bravery less conspicuous, as he was ever foremost in leading on his troops, regardless of the peculiar danger to which he was exposed, from the circumstance of his being known to most of the Indians, and being the marked object of their hostility." In the message of the president to Congress, of December 18th, 1811, the following allusion is made, which is as highly complimentary to the conduct of the governor as it is expressive of the importance attached to the action itself, and it must have been no mean achievement which could win from the federal government such decided terms of approbation and honor. "While it is to be lamented," says Mr. Madison, "that so many valuable lives have been lost in the action which took place on the 9th ult., Congress will see with satisfaction the dauntless spirit and fortitude victoriously displayed by every description of troops engaged, as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertion of valor and discipline."*

The decisive blow which Harrison had struck against the Indian

* The legislatures of Kentucky and Indiana also recorded their resolutions regarding the conduct of Harrison in this battle. The former is as follows: "*Resolved*, That in the late campaign against the Indians on the Wabash, Governor Harrison has, in the opinion of this legislature, behaved like a hero, a patriot, and a general; and that, for his cool, deliberate, skilful, and gallant conduct in the late battle of Tippecanoe, he deserves the warmest thanks of the nation."

power had produced a more powerful effect than all the admonitory efforts of years had accomplished. Several of the tribes sent deputies to wait upon him with assurances of renewed amity, and a disavowal of further connexion with the hostile bands of Tecumseh. In February, 1812, intelligence that no less than eighty Indians, deputies from all the tribes who were engaged in the late hostilities, except the Shawnees, had arrived at Fort Harrison, on their way to Vincennes. Suspicion being again naturally aroused, from their numbers, that a new treachery was designed, the governor sent an expostulation, requiring them to come in less numbers and unarmed; they, however, not only delivered up their arms, but evinced the subdued deportment of men who had been taught to respect the authority of him with whom they had come to treat.

Meanwhile, Tecumseh had returned from the south, and notwithstanding the sad reverse which his cause had sustained during his absence, the commencement of hostilities with Great Britain found for him an ally both able and eager to second his plans, thus neutralizing in part the lasting advantages which otherwise might have accrued from the victory of Tippecanoe. He consequently again renewed his intrigues with greater activity than ever, and he caused the commencement of fresh depredations along the widely-extended borders of Ohio, Indiana, and Illinois, at points so distant from each other as to distract public attention and create an almost universal panic. The declaration of war with Great Britain, it will be remembered, took place on the 18th of June, 1812, and the western people suffered more than has been commonly supposed, from their almost defenceless exposure to the incursions and barbarities of the infuriated savages. Not that they were less energetic in the popular enthusiasm of the measure, for they are known never to have chosen the inane and timid counsel of preferring security to honor, while they emulated, by their deeds of noble daring, in this, the second great struggle for liberty, the stern republican virtues which their patriotic ancestors evinced in the first.

Here, again, are we called upon to notice the distinguishing preference which the whole people of the west bestowed upon General Harrison, in their nomination of him to the head of their armies at a time when the highest order of talents was, of necessity, put in requisition. Governor Harrison was repeatedly honored by consultations from the several parts of the country, and in consequence of a communication received from Governor Scott, of Kentucky, he repaired to Frankfort; and while here he suggested plans of operation which, had they been given some days earlier, would have proved of the most important service in the preservation of Detroit, but which, unhappily for the country, had not been anticipated by the government itself.

The surrender of this city, and with it the army of Hull, had exposed the vast region including western Pennsylvania, Ohio, and what are now

Michigan, Indiana, Illinois, and Missouri, to the enemy's ravages. About this time Governor Harrison received a communication from the war department, which informed him that he had been appointed a brigadier-general in the army of the United States. It is a matter of regret that this appointment had not been conferred upon him at an earlier period, as in that case it is more than probable that the melancholy tragedy of the massacre at the river Raisin would never have occurred. His situation again, at this time, was one of peculiar difficulty, from the paucity in the provisions and clothing of the troops; the demand for these in the Atlantic cities, from the constant failure of the contractors, causing a deficiency which often became alarming. Having received advices informing him that Fort Wayne had become infested by a body of Indians, and in danger of being reduced, Harrison's first movement was to hasten to its relief. Accordingly, on the 5th of September, he marched for that place, but finding his troops were deficient in a supply of flints—a trifling but indispensable article—he was subjected to some delay; but he reached his destination on the 9th of the same month. On the 17th he received a despatch from the president, investing him with the command of the northwestern army, which then nominally amounted to about ten thousand men, undisciplined, unprovided, and scattered over a wide region; added to which he had authority to employ officers, and to draw from the public stores; which reposed in him a trust more extensive and important than was ever deputed to any officer of the United States, if we except, perhaps, Washington and Greene. The immediate objects of the campaign now committed to the sole direction of General Harrison, were the recapture of Detroit by a *coup de main*, the reduction of Malden, in Upper Canada, and the protection of the northwestern border. The point from which the principal movement upon the enemy was to be made, was the rapids of the Miami. The military arrangements extended from Upper Sandusky, on the right, to Fort Defiance, on the left. As it comes not within our province to enumerate the details of this campaign, we shall strictly confine our remarks to the movements of General Harrison, and even our notice of these will necessarily be very brief.

Harrison had scarcely reached his intended theatre of action, when he received intelligence of General Winchester's contemplated movement against the enemy; he immediately ordered a corps of three hundred men to the rapids, and on the following morning he proceeded himself to Lower Sandusky, and there found that General Perkins had also prepared to send a battalion and artillery; but owing to the delay in their transmission, from the bad condition of the roads, they failed to reach the river Raisin before the fatal disaster had occurred. Harrison now determined to proceed to the rapids, to learn personally the situation of General Winchester. In the meantime, however, a reinforcement had been despatched by Colonel Lewis, for the purpose of occupying the village of Frenchtown, and while

on his way thither, General Harrison received the intelligence of the victory which had been gained on the preceding day.

He was finally enabled, on the 20th of January, to reach the camp. Hearing of Proctor's attack, he hastened with all his disposable force to the river Raisin, but was soon met by fugitives from the field of battle, from whom he ascertained the total defeat of Winchester's forces. The temerity of Winchester was the sole cause of his fall; while all that could have been done to prevent the disaster, was done by General Harrison; for had he received timely notice of the exigency of the case, his reinforcement would doubtless have terminated the action in our favor. On the 1st of February, the army having been reorganized and reinforced, their numbers now amounted to eighteen hundred men. Entertaining the confident expectation of ultimately accomplishing his purpose, General Harrison continued to make preparations with unremitting assiduity. He encamped for the winter at a fortified place which, in honor of the governor of Ohio, was called "*Camp Meigs.*" About this period Harrison, who was appointed major-general in the service of the United States, returned to Cincinnati, with the view of procuring and forwarding supplies of provisions and military stores. While engaged in the arduous duties of this campaign, he organized several minor expeditions against the Indians, in order to keep them in proper check.

Early in the spring of 1813, intelligence having been received of a contemplated expedition against Fort Meigs, by the British, accompanied by Tecumseh and six hundred warriors, General Harrison hastened back to the frontier, and immediately summoned three thousand troops from Kentucky, who reached Defiance on the 3d of May, while he himself arrived just in time to receive the enemy's attack. For five days their batteries kept up a constant shower of balls against our defences, although, through the skilful disposition of the commander, with comparatively little effect. Harrison, with his augmented forces, now made a vigorous and simultaneous attack on the enemy's batteries, and, having reduced them, preparations followed for a sortie from the fort, which resulted in triumphant success. The impetuosity of the charge proved irresistible, and, after a severe struggle, our troops drove the enemy from their batteries, notwithstanding they, including their Indian allies, nearly doubled their numbers. This action was one of the most desperate and sanguinary ever fought during the whole border war; it lasted, however, but forty-five minutes, during which time no less than one hundred and eighty were either killed or wounded of the American troops. Thus terminated the glorious defence of Fort Meigs. Harrison soon after left General Green Clay in command of the post.

The unceasing efforts of the British, and the restless spirit of Tecumseh, allowed our troops but little time to recover from their severe fatigues; for in less than two months (being early in July, 1813) the Indians as-

sembled a formidable body of no less than five thousand warriors, and again invested the fortress. In consequence of this, Harrison had a fortification erected at Seneca town, about nine miles up the river, as a reserve for the better protection of his principal depôt at Upper Sandusky. The enemy remained but two days before the fortification, changing their route for Lower Sandusky. On the evening of the 29th, the general received information that the siege of Fort Meigs had been raised; it was of the utmost importance, therefore, that all the troops within reach should be immediately concentrated for the protection of the principal point of defence at Upper Sandusky. The enemy demanded the surrender of the fort, which being refused by its commander, Colonel Crogan, a cannonade was opened, after which they attempted an assault, but being met by a galling fire of musketry, they were repulsed with great loss, and obliged to make a precipitate retreat. On the 18th of August, Commodore Perry, with his fleet, arrived off Sandusky bay, and shortly afterward his celebrated action was fought, which so gloriously resulted in the capture of the enemy's whole fleet. Harrison, meanwhile, collected together his troops, and while Colonel Johnson marched for his station by way of the river Raisin, the general embarked on the 20th of September, with two brigades, for Bass island.

On the 27th the army again embarked, and made a descent upon the Canada shore. Surrounded by his gallant troops, General Harrison now proudly stood upon the ruined breastworks of Malden, from which destruction had been poured upon the frontier, and whence the firebrand and tomahawk of the Indian had gone forth in the work of desolation. In his despatches to the war department, Harrison thus writes: "I will pursue the enemy to-morrow, although there is little probability of overtaking him, as he has upward of one thousand horses, and we have not one in the army." He proceeded, accordingly, on the following day, to Sandwich, but Proctor had fled. "At a convention of the general officers, Harrison informed them," says M'Affee, "that there were but two ways of accomplishing their object; one of which was to follow him up the strait by land; the other, to embark and sail down Lake Erie to Long Point, then march hastily across by land twelve miles to the road, and intercept him." The former plan was unanimously preferred, and consequently adopted. The army rapidly advanced in pursuit of the enemy up the Thames to the Moravian towns. On the 5th of October the enemy were overtaken; Proctor's position was flanked on the left by the Thames, and his right by a swamp, which was occupied by a horde of Indians under the celebrated Tecumseh. General Harrison, on this occasion, adopted a movement which, while it insured an easy victory, evinced a high degree of military skill and promptitude of character—one division of his infantry extending in a double line from the river to the swamp, opposite to Proctor's troops, and the other placed at right angles to the first,

facing the swamp, with the view of preventing the Indians from turning his left flank, and getting into the rear. Observing the enemy's troops to be in open order, that is, with intervals of three or four between the files, which can never successfully resist a charge of cavalry, Harrison instantly ordered Colonel Johnson's mounted regiment, which occupied the front, to dash through the enemy's line in column. This command was brilliantly executed, and the attempt was triumphant, for the British were at once thrown into confusion, and our men wisely taking advantage of their disorder by attacking their broken line in the rear, they were compelled to surrender their arms, and thus a splendid and almost bloodless victory was virtuously achieved, rather by the consummate skill of the general than by the energies of his troops.

The contest with the Indian allies, however, was more severe, as they advanced and poured in a continuous and galling fire, not only upon the cavalry, but also the infantry, which for some time made a great impression upon them. Suddenly, however, the voice of command which had hitherto inspired their courage was hushed: the haughty chief, Tecumseh, had fallen. The Indians, as soon as the event became known, hastily decamped, leaving about thirty of their number dead where the chief had fallen. Thus ended this decisive engagement, which, together with the brilliant victory on the adjacent lake, rescued the whole northwestern territory from the depredations of the savage, and all the accumulated horrors of war; for the Indians, finding themselves no longer sustained by the British, sued for peace, and the result was, an armistice was granted, and finally an amicable arrangement with them ratified by the general government at Washington. The loss on both sides, in the battle of the Thames, was about fifty killed and wounded, while the prisoners taken by the American troops amounted to six hundred.

This event, so important to the security and honor of the country, was hailed with universal rejoicing and gratulations, while all parties participated in the most enthusiastic encomiums upon the magnanimous and heroic conduct of him through whose talents and skill it was accomplished. In his message to Congress of the 7th of December, 1813, Mr. Madison spoke of the result as "signally honorable to Major-General Harrison, by whose military talents it was prepared." And in his speech in Congress, Mr. Cheves thus also alludes to the same subject: "The victory of Harrison was such as would have secured to a Roman general, in the best days of the republic, the honors of a triumph He put an end to the war in the uppermost Canada."—"The blessings," said Governor Snyder, of Pennsylvania, in his message to the legislature of that state, "of thousands of women and children, rescued from the scalping-knife of the ruthless savage of the wilderness, and from the still more savage Proctor, rest on Harrison and his gallant army." Numerous other contemporaneous records might also be referred to in testimony of the nation's gratitude all

of which, however, with the exception of the resolution which was adopted by both houses of Congress, it is needless to notice. This is as follows :—

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and they are hereby, presented to Major-General William Henry Harrison, and Isaac Shelby, late governor of Kentucky, and through them to the officers and men under their command, for their gallant and good conduct in defeating the combined British and Indian forces under Major-General Proctor, on the Thames, in Upper Canada, on the fifth day of October, 1813, capturing the British army, with their baggage, camp equipage, and artillery ; and that the president of the United States be requested to cause two *gold medals* to be struck, emblematical of this triumph, and presented to General Harrison and Isaac Shelby, late governor of Kentucky."

The pacification of the northwestern border no longer requiring his services, General Harrison despatched his troops to the Niagara frontier, with the view of assisting in the operations then going on in that quarter, although this formed no part of the plan of the campaign he had to execute. On his arrival at Fort Niagara, preparations were being made for an expedition against Burlington heights ; these were, however, summarily arrested by the receipt of an order from the war department, directing him to send his troops to Sackett's Harbor, for the defence of that place. He accompanied them thither, and, having no right to command in that district, proceeded at once to Washington. In every city through which he passed he was received with the most enthusiastic demonstrations of respect. He remained in Washington but a few days, being desired by the president to hasten to Ohio, as his presence there would be of important service, both as regarded the peace of the border, the filling up of the regiments intended to be raised in the western states, and other measures then in anticipation.

It will be remembered that the secretary of war at this time was General Armstrong, who, from some unknown cause, appears to have imbibed a strong prejudice against General Harrison, as, from the plan of the campaign for 1814, submitted by him to the president, it was evident that Harrison would no longer be employed in any active service. He also is known to have interfered, on more than one occasion during the winter, with the internal arrangements of the district which Harrison commanded, in contravention to all military etiquette. These circumstances, when contrasted with the almost unlimited powers confided to him by the government during the two previous campaigns, evidently prove them to have been intended as a source of mortification to Harrison ; accordingly, he rendered his resignation, which, unfortunately for the country, as Mr. Madison was absent on a visit to Virginia, was, without consulting the president, accepted at the war department. The president himself, in his re-

ply to an appeal from Governor Shelby, is said to have expressed his great regret that he had not received the intimation earlier, as in that case the valuable services of General Harrison would have been preserved to the nation in the ensuing campaign. Thus prematurely, were the efficient military services of General Harrison brought to a close.* Not the less, however, did he continue to receive fresh tokens of confidence and esteem from Mr. Madison, for in the summer of 1814 he was appointed, in conjunction with Governor Shelby and General Cass, to treat with the Indians in the northwest, at Greenville and the old headquarters of General Wayne; and during the following year, when the treaty of Ghent provided for the pacification of several important tribes, he was placed at the head of the commission.

General Harrison was not permitted by the people to remain long in retirement. In 1816 he was elected to represent the congressional district of Ohio in which he resided, in the house of representatives of the United States. He was chosen to supply a vacancy, and also for the two succeeding years. As in almost every instance where an individual has rendered himself prominently an object of popular regard, we find his conduct at some period of his career the subject of malignity and slander, General Harrison had scarcely taken his seat at Washington when his conduct while in command of the northwestern army, was impugned; this was done by one of the contractors of the army, whose profits, by the integrity of Harrison, had suffered considerable diminution. At the instance of the general, a committee for the full investigation of the charges was appointed, of which Colonel Johnson was chairman; and after a full examination of numerous witnesses, they made a unanimous report, in which they exculpated General Harrison, in the fullest manner, from all the charges brought against him, and paid a high compliment to his patriotism, disinterestedness, and devotion to the public service. This unjust calumny produced serious injury to General Harrison, having caused the postponement of the resolution introduced into the senate for awarding to him the gold medal and the thanks of Congress; it was speedily dissipated, however, as it ultimately was adopted by the senate, and concurred in by the house, with but one dissenting vote.

While a member of the house, General Harrison assiduously labored to accomplish two great political objects; one was a reform in the militia, and the other for the relief of the veteran soldiers who had served in the revolutionary armies, as well as those who had been wounded, or otherwise disabled, in the last war with Great Britain. With respect to the former

* But although his brilliant and glorious career in the field was ended, during which, for nearly a quarter of a century, he had successfully led his countrymen through every vicissitude and peril to victory, when he could no longer serve them in his military capacity, he retired into private life, too high-minded and disinterested to sacrifice his sense of duty to pecuniary considerations, and disdaining to receive emoluments for services which he could not, consistently with justice to himself, any longer fulfil.

measure, he obtained the appointment of a committee, of which he was chairman, and subsequently brought in a bill; but the aversion which Congress has always displayed for any legislation upon the subject, caused its frequent postponement, till at length, on his retirement from Congress, it was finally dropped altogether, for the want of some one to sustain it. His other project, however, was crowned with success, and the numerous pensioners who received the nation's bounty always regarded General Harrison as their benefactor and friend.

He subsequently took a prominent part in supporting the affirmative of the question of acknowledging the independence of the South American republics, as proposed by Mr. Clay, then speaker of the house; in whose views of a liberal public policy he generally concurred. In the debate on the conduct of General Jackson during the Seminole war, Harrison participated, censuring such acts of General Jackson as he deemed wrong, although giving him credit for patriotic motives, and defending him in those points which he considered right.

In 1819 General Harrison was elected to the senate of Ohio; and in 1824 he was chosen by the people one of the presidential electors of that state, on the ticket formed by the friends of Mr. Clay, and gave his vote for that gentleman for president. The same year, viz., in 1824, he was elected by the legislature a member of the senate of the United States, and soon after taking his seat in that body, the following year, he was appointed chairman of the military committee, in place of General Jackson, who had resigned. He supported the administration of Mr. Adams, and in 1828 was appointed by that president, minister plenipotentiary to the republic of Colombia. Having proceeded immediately upon his mission, he arrived at Bogota in December, 1828. He found the country in a state of confusion, the government little better than a despotism, and the people as lawless as they were ignorant of their rights. His reception, however, was characterized by the most flattering tokens of respect. His plain republican simplicity ultimately caused him to be suspected of favoring the liberal or opposition party, and occasioned a series of petty annoyances, rendering his situation exceedingly irksome. But he was speedily released from his embarrassment on this account, as one of the very first acts of General Jackson's administration, in 1829, was to recall him from the mission. Before leaving Colombia, but after he had become a private citizen, Harrison addressed to General Bolivar his celebrated appeal in favor of constitutional liberty, a document which has often been quoted in North and South America, and which, for its manly vigor, pure principles of republicanism, and fervid eloquence, has always been considered highly honorable to its author, and an evidence of his superior literary attainments.

On his return from Colombia, General Harrison ceased to engage himself in any active pursuits of public life, living in retirement upon his farm

at North Bend, on the Ohio river, a few miles below Cincinnati. Never having sought personal aggrandizement, nor availed himself of his public situation to acquire a fortune, he had not been wealthy; he was, therefore, induced as a means of contributing to his support, to accept the office of clerk to the court of Hamilton county, where he resided, and which station, up to the time of his election to the presidency, he continued to occupy. This circumstance alone exhibits a trait in the character of General Harrison, no less ennobling than it is rare; since he not only proved himself superior to the influence of the specious yet arbitrary forms of conventional life, but he also evinced the greatness of his mind in rising superior to false pride as to selfish ambition in the service of his country.

In 1835 General Harrison was brought forward as a candidate for the presidency of the United States, as successor to General Jackson, at a time when it was generally expected that Mr. Van Buren, then vice-president, would be supported as the democratic candidate for that high office, by the friends of Jackson. Harrison was nominated by meetings of the people in Pennsylvania, Ohio, New York, and other states. Anti-masonic and whig conventions, and those who had supported Jackson, but now refused to vote for Van Buren, joined in sustaining the nomination of Harrison. The opposition were not, however, united in their candidate; Judge Hugh L. White was nominated and supported for the presidency, in Tennessee, Georgia, and other southern and southwestern states, while Daniel Webster received the vote of Massachusetts, and Willie P. Mangum that of South Carolina. The result of the election, which took place in 1836, showed the great popularity of General Harrison. Without any general concert among his friends, he received 73 electoral votes, and in Pennsylvania, Connecticut, and Rhode Island, the majorities for the electoral tickets in favor of Mr. Van Buren were comparatively small.

The national convention of whig delegates which assembled at Harris burg, the seat of government of Pennsylvania, on the 4th of December, 1839, after a careful and friendly interchange of views with regard to the respective claims and prospects of the three candidates named in the convention, viz., General Harrison, Mr. Clay, and General Scott, finally awarded the nomination to Harrison. The friends of the rival opposition candidates, and all desirous to effect a change in the national administration, cordially united in the nomination; and after a contest more animated and more general than any which ever before occurred in this country, General Harrison was elected to the presidency by an overwhelming vote. He received 234 electoral votes; Mr. Van Buren 60 only. Harrison attended several of the mass meetings of the people in Ohio during the contest, and addressed them in a powerful and eloquent manner.

The elevation of General Harrison to the presidency diffused a general feeling of joy and satisfaction throughout the nation; for many even of

those who had opposed his election, admitted his patriotism, and hoped for a prosperous administration of the government in the hands of one who had always proved faithful to the public trust. In February, 1841, the venerable chief left his peaceful residence at North Bend, Ohio, to proceed to the seat of the national government and take the reins of power committed to him by the voice of the people. He was received at the different cities, towns, and villages, on the route to Washington, by immense concourses of people, anxious to tender him every demonstration of respect, and showing the highest degree of enthusiasm. He arrived at Washington on the 9th of February, and was received by the mayor, aldermen, and citizens of the capital, with distinguished honor and cordial welcome. A few days afterward, he visited Richmond, Virginia, and mingled freely with the citizens; after spending a few days with his relatives residing on James river, in the vicinity of Richmond, he returned to Washington, preparatory to assuming the responsible duties of his station.

The inauguration of General Harrison as president of the United States, took place on the 4th of March, 1841. The city of Washington was thronged with people, many of whom were from the most distant states of the Union. A procession was formed, civic and military, from the quarters of the president elect to the capitol. General Harrison was mounted on a white charger, accompanied by several personal friends, and his immediate escort were the officers and soldiers who had fought under him. The scene, as described in the National Intelligencer, was highly interesting and imposing. The ladies everywhere, from the windows on each side of the avenue, waved their handkerchiefs in token of their kind feelings, and General Harrison returned their smiles and greetings with repeated bows. The enthusiastic cheers of the citizens who moved in the procession were, with equal enthusiasm, responded to by thousands of citizen spectators who lined Pennsylvania avenue, or appeared at the side windows, in the numerous balconies, on the tops of houses, or on other elevated stands.

At the capitol, the senate having been convened, by the late president, in extra session, assembled at the appointed hour, and was organized by the appointment of Mr. King, of Alabama, president *pro tem.*; after which Mr. Tyler, the vice-president elect, took the oath of office, and, on taking his seat as presiding officer, delivered a brief and appropriate address to the senate. The judges of the supreme court, the diplomatic corps, and several distinguished officers of the army and navy were present in the senate-chamber.

At twenty minutes past twelve o'clock, General Harrison entered and took the seat prepared for him in front of the secretary's table. He looked cheerful, but composed; his bodily health was manifestly good; there was an alertness in his movement which was quite astonishing, considering his advanced age, the multiplied hardships through which

his frame had passed, and the fatigues he had lately undergone. After he had retained his seat for a few minutes, preparations were made for forming the line of procession to the platform prepared for the ceremony of the inauguration, erected over the front steps of the portico of the east front of the capitol.

On the platform, seats had been provided for the president elect and the chief-justice, who were placed immediately in front. On their right, seats were assigned to the diplomatic corps. Behind sat members of both houses of Congress, officers of the army and navy, and many distinguished characters from different parts of the Union; intermingled with a great company of ladies who occupied, not only the steps in the rear of the platform, but both the broad abutments of stone which support the steps on either side.

But the sight which attracted and arrested and filled the eye of the observer, was the people. They stood for hours in a solid, dense mass, variously estimated to contain, in the space before the capitol, from thirty to sixty thousand.

While patiently waiting for the arrival of the president, the mass of heads resembled some placid lake; but the instant he was seen advancing from the capitol, it suddenly resembled that same lake when a blast from the mountain has descended upon it, thrown it into tumultuous agitation, and "lifted up its hands on high." A deafening shout went up from the hearts and voices of the people. It sung welcome to the man whom the people delighted to honor, and must have met, with overwhelming power, the throbbings of his own bosom.*

When the uproar had subsided, it was succeeded by the deep stillness of expectation, and the new president forthwith proceeded to read, in accents loud and clear, his address to the nation. In its delivery, the voice of General Harrison never flagged, but to the end retained its full and commanding tone. As he touched on successive topics lying near the hearts of the people, their sympathy with his sentiments was manifested by shouts which broke forth involuntarily from time to time; and when the reading of the address was concluded, they were renewed and prolonged without restraint.

Previous to delivering the closing sentences of the address, the oath of office, tendered by Chief-Justice Taney, was taken by the president, in tones loud, distinct, and solemn, manifesting a due and a deep impression of the importance of the act; after which the president pronounced the remaining passage of his address.

The pealing cannon then announced to the country that it had a new chief magistrate. The procession was again formed; and setting out from the capitol, proceeded along Pennsylvania avenue to the mansion of the president, cheered throughout the whole route as General Harrison passed,

* National Intelligencer.

by the immense crowds on foot, which lined the avenue and filled the doors and windows of the buildings.

Nearly the whole throng of visiters accompanied the president to his new abode, and as many as possible entered and paid their personal respects to him. The close of the day was marked by the repetition of salutes from the artillery, the whole city being yet alive with a population of strangers and residents, whom the mildness of the season invited into the open air.

In the evening, the several ball-rooms and places of amusement were crowded with gentlemen and ladies attracted to Washington city by the novelty and interest of the occasion. In the course of the evening the president paid a short visit to each of the assemblies held in honor of the inauguration, and was received with the warmest demonstrations of attachment and respect.

The president immediately nominated to the senate the members of his cabinet, as follows: Daniel Webster, of Massachusetts, secretary of state; Thomas Ewing, of Ohio, secretary of the treasury; John Bell, of Tennessee, secretary of war; George E. Badger, of North Carolina, secretary of the navy; Francis Granger, of New York, postmaster-general; John J. Crittenden, of Kentucky, attorney-general. These nominations were all confirmed by the senate. That body also confirmed a number of other nominations by the president, chiefly to fill vacancies; and, after electing a sergeant-at-arms, and dismissing Messrs. Blair and Rives as printers to the senate, also having elected Samuel L. Southard, of New Jersey, president *pro tem.*, the senate adjourned on the 15th of March.

The members of the diplomatic body, or foreign ministers in Washington accredited to the government of the United States, waited on the president on the 9th of March, and through Mr. Fox, the British minister, being presented by the secretary of state, made to him an appropriate address, congratulating him upon his accession to the presidency. To this address the president of the United States made the following reply:—

"Sir: I receive with great pleasure the congratulations you have been pleased to offer me, in the name of the distinguished diplomatic body now present, the representatives of the most powerful and polished nations with whom the republic which has honored me with the office of its chief magistrate has the most intimate relations—relations which I trust no sinister event will, for ages, interrupt.

"The sentiments contained in my late address to my fellow-citizens, and to which you have been pleased to advert, are those which will continue to govern my conduct through the whole course of my administration. Lately one of the people, the undisputed sovereigns of the country, and coming immediately from among them, I am enabled, with confidence, to say, that in thus acting I shall be sustained by their undivided approbation.

"I beg leave to add, sir, that, both from duty and inclination, I shall omit nothing in my power to contribute to your own personal happiness and that of the friends whom, on this occasion, you represent, as long as you may continue among us."

The other ministers, with their secretaries, and the persons attached to their respective missions, were then successively presented to the president. The Russian minister was prevented from being present, by indisposition; but on the 12th of March he was presented to the president, by the secretary of state, and to his address on the occasion, the president replied as follows:—

"I receive, sir, the congratulations which you offer me in your capacity of envoy extraordinary and minister plenipotentiary of the emperor of all the Russias, upon my election to the presidency of the United States, with great pleasure.

"From the epoch which introduced the United States to the world as an independent nation, the most amicable relations have existed between them and the powerful and distinguished monarchs who have successively swayed the sceptre of Russia. The presidents, my predecessors, acting in behalf and under the authority of the people, their constituents, have never failed to use every proper occasion to confirm and strengthen the friendship so auspiciously commenced, and which a mutuality of interests, render so desirable to be continued. I assure you, sir, that none of them felt the obligations of this duty more powerfully than I do; and you can not in language too strong communicate to your august monarch my sentiments on this subject. And permit me to add, that no more acceptable medium of communicating them could have been offered than that of a personage who has rendered himself so acceptable, as well to the people as to the government of the United States."

On the 17th of March, President Harrison issued his proclamation, calling an extra session of Congress, principally on account of the condition of the revenue and finances of the country, to be held on the last Monday, being the 31st day, of May ensuing.

The extra sessions of Congress called by the predecessors of General Harrison, since the organization of the government, were as follows: John Adams convened Congress on the 16th of May, 1797; Thomas Jefferson called the eighth Congress on the 17th of October, 1803, to provide for carrying the Louisiana treaty into effect, but that day was only about three weeks earlier than had been fixed by the preceding Congress; James Madison convened Congress on the 23d of May, 1809; also on the 25th of May, 1813; Martin Van Buren convened Congress on the 4th of September, 1837.

Mrs. Harrison did not accompany her husband to Washington, but remained at the homestead at North Bend, superintending the care of her numerous family, and intending to join the president at the seat of gov-

ernment in the course of the spring; but the family and the nation were destined soon to receive a mournful lesson upon the mutability of human affairs.

From the moment General Harrison was elected president, his heart was filled with gratitude to the people, to whom indeed he had always been devoted. Anxious to fulfil the wishes of his political friends, he received with kindness and attention the numerous applicants for office who thronged the seat of government; and although he would doubtless have been better pleased to have deferred many appointments for a time, yet a considerable number of removals were made by him, and appointments made, in compliance with the views of the cabinet, during the month of March. In the generosity of his heart, he invariably opened the doors of the president's mansion wide to the reception of his friends, and that house was the abode of hospitality and kindness. He indulged his friends to his own destruction. From sunrise till midnight, he indulgently devoted himself to his fellow-citizens who visited him, with the exception of an hour each day spent in cabinet council. It was his habit, after rising, first to peruse his bible, and then to take a walk before breakfast. And afterward, the whole day would be spent in receiving company and transacting business.

On Saturday, March 27, President Harrison, after several days previous indisposition from the effects of a cold, was seized with a chill and other symptoms of fever. These were followed by pneumonia, or bilious pleurisy, which ultimately baffled all medical skill, and terminated his virtuous, useful, and illustrious life, on Sunday morning, the 4th of April, after an illness of eight days, being a little over 68 years of age.

The last time the president spoke was at nine o'clock on Saturday night, a little more than three hours before he expired. While Doctor Worthington and one or two other attendants were standing over him, having just administered something to his comfort, he cleared his throat, as if desiring to speak audibly, and, as though he fancied himself addressing his successor, or some official associate in the government, said: "SIR, I WISH YOU TO UNDERSTAND THE PRINCIPLES OF THE GOVERNMENT. I WISH THEM CARRIED OUT. I ASK NOTHING MORE."

He expired a little after midnight, surrounded by those members of his family who were in the city, the members of his cabinet and many personal friends, among whom were Colonels Chambers and Todd, who were the aids of General Harrison at the battle of the Thames, in 1813. The connexions of the president who were present in the executive mansion at the time of his decease, were the following: Mrs. William Harrison (son's widow); Mrs. Taylor, of Richmond (niece); Mr. D. O. Coupeland (nephew); Henry Harrison, of Virginia (grand nephew), and Findlay Harrison, of Ohio (grandson).

The general feeling throughout the country was thus eloquently por-

trayed in the National Intelligencer of April 9, 1841, which contained an account of the funeral:—

"Never, since the time of Washington, has any one man so concentrated upon himself the love and confidence of the American people; and never, since the melancholy day which shrouded a nation in mourning for his sudden death, has any event produced so general and so profound a sensation of surprise and sorrow.

"So brief had been the late president's illness, that now, as in the case of Washington, there had scarce been time for us to begin to fear, when the stunning blow of the reality fell upon us like the stroke of thunder from a cloudless sky. Men looked aghast, and staggered, as if amazed by something they could scarce believe. But it was true. He who, with beaming countenance, passed along our streets in the joy of his heart—he, the welcome, the long-expected, the desired, on whom all eyes were fastened, to whom all hearts went out; who had within him more stirring subjects of exhilarating consciousness than have met in any single bosom since Washington was crowned with wreaths as he came back from Yorktown, was, on Wednesday last, within one month, 'one little month,' borne along that same crowded avenue—crowded, not as before, with a jubilant people gathered from every quarter of the country, but with sincerely sorrowing multitudes following his bier. When the words, 'the president is dead,' met the ear, the man of business dropped his pen, the artisan dropped his tools—children looked into the faces of their parents, and wives into the countenances of their husbands—and the wail of sorrow arose as if each had lost a parent, or some near and dear friend. Could General Harrison now look down on the land he loved, he might, indeed, 'read his history in a nation's eyes;' and those whose bosoms glow and struggle with high purposes and strong desires for their country's good, may learn in what they now behold, wherever they turn their eyes, how glorious a reward awaits the memory of those who faithfully serve their country!"

On Wednesday, the 7th of April, the funeral of President Harrison took place at Washington, and was attended by an immense concourse of citizens, who thronged to the city from Baltimore, Philadelphia, Alexandria, and other places, anxious to join in the honors and solemnities paid to the memory of the illustrious deceased. The civic and military procession was large and imposing, occupying two miles in length. The funeral service of the episcopal church was recited by the Rev. Mr. Hawley. The body was interred in the congressional burying ground, but afterward removed to North Bend, Ohio, at the request of the family of General Harrison.

All party distinctions were merged in the feeling of respect due to the memory of the honored dead; and throughout the Union, funeral honors and other testimonials of public feeling, similar to those which took place on the death of General Washington, were awarded to the memory of Harrison. At every city, town, and village, in the Union, as the unwelcome

tidings of the death of the president arrived, it was received with every demonstration of mourning and regret, and followed immediately by such marks of respect as the several communities had it in their power to offer. Such legislative bodies as happened to be in session, were among the foremost to demonstrate their sympathy with the general impulse. That exhibited by the legislature of Maryland, in leaving the seat of the state government, and attending the funeral as an organized body, was among the most touching evidences of the kind. The Pennsylvania legislature deputed a number of members from each branch of that body, to proceed from Harrisburg to Washington, to attend the funeral. The legislature of New York adopted such measures as the occasion enabled them to do, to testify their feelings. The respective courts, wherever they were in session, officially united in the general expression, as did also the municipalities of all the principal cities and towns in the Union. The occasion was also appropriately noticed by the clergy of the different denominations.

General Harrison left one son and three daughters, all living at or near North Bend, Ohio. Four sons and a daughter died before their father. All of the sons left children.

In person, General Harrison was tall and slender. Although he never had the appearance of possessing a robust constitution, yet such had been the effects of habitual activity and temperance, that few men at his age enjoyed so much bodily vigor. He had a fine dark eye, remarkable for its keenness, fire, and intelligence, and his face was strongly expressive of the vivacity of his mind, and the benevolence of his character.

The most remarkable traits of General Harrison's character, and those by which he was distinguished throughout his whole career, were his disinterestedness, his regard for the rights and comforts of others, his generous disposition, his mild and forbearing temper, and his plain, easy, and unostentatious manner.

He had a most intimate knowledge of the history, and foreign and domestic polity of the United States; and from the moderation of his political views and feelings as a party man, although firm, frank, and consistent, he was well calculated for the high station to which he was elected, and which it is believed he would have filled with ability, and to the satisfaction of the public, during his presidential term, had his life been spared. His talents, although, perhaps, not of the highest order, were very respectable, and, united with an accurate knowledge of mankind, enabled him to acquit himself well in the various public stations to which he was called. He was a bold and eloquent orator; and he has left on record numerous evidences of his literary acquirements, among which, besides his correspondence and public papers, we may mention his discourse before the Historical Society of Ohio (on the aborigines of the valley of the Ohio), published at Cincinnati, in 1839, which can not fail to please and instruct either the scholar, the lover of history, or the antiquary.

HARRISON'S INAUGURAL ADDRESS.

March 4, 1841.

Called from a retirement which I had supposed was to continue for the residue of my life, to fill the chief executive office of this great and free nation, I appear before you, fellow-citizens, to take the oath which the constitution prescribes as a necessary qualification for the performance of its duties. And in obedience to a custom coeval with our government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman consul, in an early period of that celebrated republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out in the latter case the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upward of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the chief magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern, and measures to be adopted by an administration not yet begun, will soon be exchanged for immutable history, and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray.

However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the infirmities of human nature, and the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the will of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our constitution rests being the people—a breath of theirs having made, as a breath can unmake, change, or modify it—it can be assigned to none of the great divisions of government but to that of democracy. If such is its theory, those who are called upon

to administer it must recognise, as its leading principle, the duty of shaping their measures, so as to produce the greatest good to the greatest number. But, with these broad admissions, if we could compare the sovereignty acknowledged to exist in the mass of the people with the power claimed by other sovereignties, even by those which have been considered most purely democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no government by divine right: believing that, so far as power is concerned, the beneficent Creator has made no distinction among men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The constitution of the United States is the instrument containing the grant of power to the several departments composing the government. On an examination of that instrument, it will be found to contain declarations of power granted, and of power withheld. The latter is also susceptible of division into power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender; being, in the language of our system, inalienable.

The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, while the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or of banishment from his home, his family, and his country, with or without an alleged cause: that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well-ascertained guilt, the result of investigation under forms prescribed by the constitution itself. These precious privileges, and those scarcely less important of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury to others, and that of a full participation in all the advantages which flow from the government, the acknowledged property of all, the American citizen derives from no charter granted from his fellow-man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them.

Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, an intimate union effected, domestic tranquillity preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious manner in which the constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant. This is more particularly the case in relation to that part of the

instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect that *most* of the instances of alleged departure from the letter or spirit of the constitution have ultimately received the sanction of a majority of the people. And the fact, that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty. in many instances, of ascertaining the intentions of the framers of the constitution, rather than the influence of any sinister or unpatriotic motive.

But the great danger to our institutions does not appear to me to be in a usurpation, by the government, of power not granted by the people, but by the accumulation, in one of the departments, of that which was assigned to others. Limited as are powers which have been granted, still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened, as it has always been observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights.

When the constitution of the United States first came from the hands of the convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the federal government, and more particularly of that portion which had been assigned to the executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative democracy, or republic. And knowing the tendency of power to increase itself, particularly when executed by a single individual, predictions were made that, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given, of my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the constitution ; others, in my judgment, are attributable to misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the states to its correction.

As, however, one mode of correction is in the power of every president, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of many of our fellow-citizens, this error of the sages who framed the constitution may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general

remark, that republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has intrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the constitution can be effected, public opinion may secure the desired object. I give my aid to it by renewing the pledge heretofore given, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the constitution, in the want of limit to the continuance of the executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I can not conceive that, by a fair construction, any or either of its provisions would be found to constitute the president a part of the legislative power. It can not be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the constitution has given to the executive the power to annul the acts of the legislative body by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the judiciary; and yet the judiciary forms no part of the legislature. There is, it is true, this difference between these grants of power: the executive can put his negative upon the acts of the legislature, for other cause than that of want of conformity to the constitution, while the judiciary can only declare void those which violate that instrument. But the decision of the judiciary is final in such a case, whereas, in every instance where the veto of the executive is applied, it may be overcome by a vote of two-thirds of both houses of Congress. The negative upon the acts of the legislative, by the execute authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient; and if used only with the forbearance and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union.

At the period of the formation of the constitution, the principle does not

appear to have enjoyed much favor in the state governments. It existed but in two, and in one of these there was a plural executive. If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the constitution, for the adoption of a provision so apparently repugnant to the leading democratic principle, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the state legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require. And it is preposterous to suppose that a thought could for a moment have been entertained that the president, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the president. This argument acquires additional force from the fact of its never having been thus used by the first six presidents—and two of them were members of the convention, one presiding over its deliberations, and the other having a larger share in consummating the labors of that august body than any other person. But if bills were never returned to Congress by either of the presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle which had probably more influence in recommending it to the convention than any other. I refer to the security which it gives to the just and equitable action of the legislature upon all parts of the Union. It could not but have occurred to the convention that, in a country so extensive, embracing so great a variety of soil and climate, and, consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority ; and acts of this character might be passed, under an express grant by the words of the constitution, and, therefore, not within the competency of the judiciary to declare void ; that however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking, in general, of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one was afforded by the executive department, constituted by the constitution. A person elected to that high office, having his constituents in every section, state, and subdivision of the Union, must consider himself bound by the most solemn sanctions, to guard, protect,

and defend, the rights of all, and of every portion, great or small, from the injustice and oppression of the rest. I consider the veto power, therefore, given by the constitution to the executive of the United States, solely as a conservative power: to be used only, 1st, to protect the constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the rights of the minorities. In reference to the second of these objects, I may observe that I consider it the right and privilege of the people to decide disputed points of the constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions under varied circumstances, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications in different modes of the concurrence of the general will of the nation, afford to the president sufficient authority for his considering such disputed point as settled."

Upward of half a century has elapsed since the adoption of our present form of government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its departments, of the powers which they respectively claim and exercise, of the collisions which have occurred between them, or between the whole government and those of the states, or either of them. We could then compare our actual condition, after fifty years' trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been, that the reserved powers of the state would be absorbed by those of the federal governments, and a consolidated power established, leaving to the states the shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The general government has seized upon none of the reserved rights of the states. As far as any open warfare may have gone, the state authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the state authorities be overshadowed by the great increase of power in the executive department of the general government, but the character of that government, if not its designation, be essentially and radically changed. This state of things has been, in part, effected by causes inherent in the constitution, and in part, by the never-failing tendency of political power to increase itself.

By making the president the sole distributor of all the patronage of the government, the framers of the constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the state governments. Of trifling importance

at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the executive will, than their construction of their powers allowed, or the forbearing characters of all the early presidents permitted them to make? But it is not by the extent of its patronage alone that the executive department has become dangerous, but by the use which it appears may be made of the appointing power, to bring under its control the whole revenues of the country. The constitution has declared it to be the duty of the president to see that the laws are executed, and it makes him the commander-in-chief of the armies and navy of the United States. If the opinion of the most approved writers upon that species of mixed government, which, in modern Europe, is termed *monarchy*, in contradistinction to *despotism*, is correct, there was wanting no other addition to the powers of our chief magistrate to stamp a monarchical character on our government, but the control of the public finances. And to me it appears strange indeed, that any one should doubt that the entire control which the president possesses over the officers who have the custody of the public money, by the power of removal with or without cause, does, for all mischievous purposes at least, virtually subject the treasure also to his disposal.

The first Roman emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed, by a significant allusion to his sword. By a selection of political instruments for the care of the public money, a reference to their commissions by a president would be quite as effectual an argument as that of Cæsar to the Roman knight. I am not insensible of the great difficulty that exists in devising a proper plan for the safekeeping and disbursement of the public revenues, and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the treasury from the banking institutions. It is not the divorce which is complained of, but the unhallowed union of the treasury with the executive department which has created such extensive alarm. To this danger to our republican institutions, and that created by the influence given to the executive through the instrumentality of the federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the constitution, not to have made the officer at the head of the treasury department entirely independent of the executive. He should at least have been removable only upon the demand of the popular branch of the legislature. I have determined never to remove a secretary of the treasury without communicating all the circumstances attending such removal to both houses of Congress. The influence of the executive in controlling the freedom of the elective franchise through the medium of the public officers can be effectually checked by renewing the prohibition published by Mr. Jefferson, forbidding their interference in elections, further than giving their own votes; and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiased judgments. Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of executive will.

There is no part of the means placed in the hands of the executive, which might be used with greater effect, for unhallowed purposes, than the control of the public press. The maxim which our ancestors derived from the mother-country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the most precious legacies which they left us. We have learned, too, from our own as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the government should never be used "to clear the guilty, or to varnish crimes." A decent and manly examination of the acts of the government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion, at some length, upon the impropriety of executive interference in the legislation of Congress. That the article in the constitution making it the duty of the president to communicate information, and authorizing him to recommend measures, was not intended to make him the source of legislation, and, in particular, that he should never be looked to for schemes of finance. It would be very strange, indeed, that the constitution should have strictly forbidden one branch of the legislature from interfering in the origination of such bills, and that it should be considered proper that an altogether different department of the government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent isle.

There are others, however, which can not be introduced in our system without singular incongruity, and the production of much mischief. And this I conceive to be one. No matter in which of the houses of parliament a bill may originate, nor by whom introduced, a minister, or a member of the opposition, by the fiction of law, or rather of constitutional principle, the sovereign is supposed to have prepared it agreeably to his will, and then submitted it to parliament for their advice and consent. Now, the very reverse is the case here, not only with regard to the principle but the forms prescribed by the constitution. The principle certainly assigns to the only body constituted by the constitution (the legislative body) the power to make laws, and the forms even direct that the enactment should be ascribed to them. The senate, in relation to revenue bills, have the right to propose amendments; and so has the executive, by the power given him to return them to the house of representatives, with his objections. It is in his power, also, to propose amendments in the existing laws, suggested by his observations upon their defective or injurious operation. But the delicate duty of devising schemes of revenue should be left where the constitution has placed it—with the immediate representatives of the people. For similar reasons, the mode of keeping the public treasure should be prescribed by them; and the further removed it may be from the control of the executive, the more wholesome the arrangement, and the more in accordance with republican principle.

Connected with this subject is the character of the currency. The idea of making it exclusively metallic, however well intended, appears to me to be fraught with more fatal consequences than any other scheme, having no relation to the personal rights of the citizen that has ever been devised. If any single scheme could produce the effect of arresting, at once, that mutation of condition by which thousands of our most indigent fellow-citizens, by their industry and enterprise, are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to pro-

duce that state of things so much deprecated by all true republicans, by which the rich are daily adding to their hoards, and the poor sinking deeper into penury, it is an exclusive metallic currency. Or if there is a process by which the character of the country for generosity and nobleness of feeling may be destroyed by the great increase and necessary toleration of usury, it is an exclusive metallic currency.

Among the other duties of a delicate character which the president is called upon to perform, is the supervision of the government of the territories of the United States. Those of them which are destined to become members of our great political family, are compensated by their rapid progress from infancy to manhood, for the partial and temporary deprivation of their political rights. It is in this district only, where American citizens are to be found, who, under a settled system of policy, are deprived of many important political privileges, without any inspiring hope as to the future. Their only consolation, under circumstances of such deprivation, is that of the devoted exterior guards of a camp—that their sufferings secure tranquillity and safety within.

Are there any of their countrymen who would subject them to greater sacrifices, to any other humiliations than those essentially necessary to the security of the object for which they were thus separated from their fellow-citizens? Are their rights alone not to be guarantied by the application of those great principles upon which all our constitutions are founded? We are told by the greatest of British orators and statesmen, that, at the commencement of the war of the revolution, the most stupid men in England spoke of "their American subjects." Are there, indeed, citizens of any of our states who have dreamed *of their subjects* in the District of Columbia? Such dreams can never be realized by any agency of mine.

The people of the District of Columbia are not the subjects of the people of the states, but free American citizens. Being in the latter condition when the constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principles of inalienable rights, so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberties, and become the *subjects*, in other words, the slaves, of their former fellow-citizens. If this be true, and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen, the grant to Congress of exclusive jurisdiction in the District of Columbia, can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the general government by the constitution. In all other respects, the legislation of Congress should be adapted to their peculiar position and wants, and be conformable with their deliberate opinions of their own interests.

I have spoken of the necessity of keeping the respective departments of the government, as well as all the other authorities of our country, within their appropriate orbits. This is a matter of difficulty in some cases, as the powers which they respectively claim are not defined by very distinct lines. Mischievous, however, in their tendencies, as collisions of this kind may be, those which arise between the respective communities, which for certain purposes compose one nation, are much more so; for no such nation can long exist without the careful culture of those feelings of con-

fidence and affection which are the effective bonds of union between free and confederate states. Strong as is the tie of interest, it has been often found ineffectual. Men, blinded by their passions, have been known to adopt measures for their country in direct opposition to all the suggestions of policy. The alternative, then, is to destroy or keep down a bad passion by creating and fostering a good one; and this seems to be the corner-stone upon which our American political architects have reared the fabric of our government. The cement which was to bind it, and perpetuate its existence, was the affectionate attachment between all its members. To insure the continuance of this feeling, produced at first by a community of dangers, of sufferings, and of interests, the advantages of each were made accessible to all.

No participation in any good, possessed by any member of an extensive confederacy, except in domestic government, was withheld from the citizen of any other member. By a process attended with no difficulty, no delay, no expense but that of removal, the citizen of one might become the citizen of any other, and successively of the whole. The lines, too, separating powers to be exercised by the citizens of one state from those of another, seem to be so distinctly drawn as to leave no room for misunderstanding. The citizens of each state unite in their persons all the privi leges which that character confers, and all that they might claim as citizens of the United States; but in no case can the same person, at the same time, act as the citizen of two separate states, and *he is therefore positively precluded from any interference with the reserved powers of any state but that of which he is, for the time being, a citizen.* He may indeed offer to the citizens of other states his advice as to their management, and the form in which it is tendered is left to his own discretion and sense of propriety.

It may be observed, however, that organized associations of citizens, requiring compliance with their wishes, too much resemble the *recommendations* of Athens to her allies, supported by an armed and powerful fleet. It was, indeed, the ambition of the leading states of Greece to control the domestic concerns of the others, that the destruction of that celebrated confederacy, and subsequently of all its members, is mainly to be attributed. And it is owing to the absence of that spirit that the Helvetic confederacy has for so many years been preserved. Never have there been seen in the institutions of the separate members of any confederacy more elements of discord. In the principles and forms of government and religion, as well as in the circumstances of the several cantons, so marked a discrepancy was observable as to promise anything but harmony in their intercourse or permanency in their alliance. And yet, for ages, neither has been interrupted. Content with the positive benefits which their union produced—with the independence and safety from foreign aggression which it secured—the sagacious people respected the institutions of each other, however repugnant to their own principles and prejudices.

Our confederacy, fellow-citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the constitution clothes them. The attempt of those of one state to control the domestic institutions of another, can only result in feelings of distrust and jealousy, and are certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our confederacy is perfectly illustrated by the terms and principles gov-

erning a common copartnership. There a fund of power is to be exercised under the direction of the joint counsels of the allied members, but that which has been reserved by the individuals is intangible by the common government, or the individual members composing it. To attempt it finds no support in the principles of our constitution. It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our confederacy. Experience has abundantly taught us that the agitation by citizens of one part of the Union of a subject not confided to the general government, but exclusively under the guardianship of the local authorities, is productive of no other consequences than bitterness, alienation, discord, and injury to the very cause which is intended to be advanced. Of all the great interests which appertain to our country, that of union—cordial, confiding, fraternal union—is by far the most important, since it is the only true and sure guarantee of all others.

In consequence of the embarrassed state of business and the currency, some of the states may meet with difficulty in their financial concerns. However deeply we may regret anything imprudent or excessive in the engagements into which states have entered for purposes of their own, it does not become us to disparage the state governments, nor to discourage them from making proper efforts for their own relief; on the contrary, it is our duty to encourage them, to the extent of our constitutional authority, to apply their best means, and cheerfully to make all necessary sacrifices and submit to all necessary burdens to fulfil their engagements and maintain their credit; for the character and credit of the several states form part of the character and credit of the whole country. The resources of the country are abundant, the enterprise and activity of our people proverbial; and we may well hope that wise legislation and prudent administration, by the respective governments, each acting within its own sphere, will restore former prosperity.

Unpleasant and even dangerous as collisions may sometimes be, between the constituted authorities or the citizens of our country, in relation to the lines which separate their respective jurisdictions, the result can be of no vital injury to our institutions, if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance for which our countrymen were once distinguished, continue to be cherished. If this continues to be the ruling passion of our souls, the weaker feelings of the mistaken enthusiast will be corrected, the Utopian dreams of the scheming politician dissipated, and the complicated intrigues of the demagogue rendered harmless. The spirit of liberty is the sovereign balm for every injury which our institutions receive. On the contrary, no care that can be used in the construction of our government, no division of powers, no distribution of checks in its several departments, will prove effectual to keep us a free people, if this spirit is suffered to decay; and decay it will without constant nurture. To the neglect of this duty, historians agree in attributing the ruin of all the republics with whose existence and fall their writings have made us acquainted. The same causes will ever produce the same effects; and as long as the love of power is a dominant passion of the human bosom, and as long as the understandings of men can be warped, and their affections changed by operations upon their passions and prejudices, so long will the liberty of a people depend on their own constant attention to its preservation.

The danger to all well-established free governments arises from the un-

willingness of the people to believe in its existence, or from the influence of designing men, diverting their attention from the quarter whence it approaches to a source from which it can never come. This is the old trick of those who would usurp the government of their country. In the name of democracy they speak, warning the people against the influence of wealth and the danger of aristocracy. History, ancient and modern, is full of such examples. Cesar became the master of the Roman people and the senate, under the pretence of supporting the democratic claims of the former against the aristocracy of the latter; Cromwell, in the character of protector of the liberties of the people, became the dictator of England; and Bolivar possessed himself of unlimited power, with the title of his country's liberator. There is, on the contrary, no single instance on record of an extensive and well-established republic being changed into an aristocracy. The tendency of all such governments in their decline is to monarchy; and the antagonist principle to liberty there, is, the spirit of faction—a spirit which assumes the character, and, in times of great excitement, imposes itself upon the people as the genuine spirit of freedom, and like the false Christs whose coming was foretold by the Savior, seeks to, and, were it possible, would, impose upon the true and most faithful disciples of liberty. It is in periods like this that it behooves the people to be most watchful of those to whom they have intrusted power. And although there is at times much difficulty in distinguishing the false from the true spirit, a calm and dispassionate investigation will detect the counterfeit, as well by the character of its operations as the results that are produced. The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle—that secured, is mild, and tolerant, and scrupulous as to the means it employs; while the spirit of party, assuming to be that of liberty, is harsh, vindictive, and intolerant, and totally reckless as to the character of the allies which it brings to the aid of its cause. When the genuine spirit of liberty animates the body of a people to a thorough examination of their affairs, it leads to the excision of every excrescence which may have fastened itself upon any of the departments of the government, and restores the system to its pristine health and beauty. But the reign of an intolerant spirit of party among a free people seldom fails to result in a dangerous accession to the executive power introduced and established amid unusual professions of devotion to democracy.

The foregoing remarks relate almost exclusively to matters connected with our domestic concerns. It may be proper, however, that I should give some indications to my fellow-citizens of my proposed course of conduct in the management of our foreign relations. I assure them, therefore, that it is my intention to use every means in my power to preserve the friendly intercourse which now so happily subsists with every foreign nation; and that, although, of course, not well informed as to the state of any pending negotiations with any of them, I see in the personal characters of the sovereigns, as well as in the mutual interest of our own and of the governments with which our relations are most intimate, a pleasing guarantee that the harmony so important to the interests of their subjects, as well as our citizens, will not be interrupted by the advancement of any claim or pretension upon their part to which our honor would not permit us to yield. Long the defender of my country's rights in the field, I trust that my fellow-citizens will not see in my earnest desire to preserve peace with foreign powers any indication that their rights will ever be sacrificed,

or the honor of the nation tarnished, by any admission on the part of their chief magistrate unworthy of their former glory.

In our intercourse with our aboriginal neighbors, the same liberality and justice which marked the course prescribed to me, by two of my illustrious predecessors, when acting under their direction in the discharge of the duties of superintendent and commissioner, shall be strictly observed. I can conceive of no more sublime spectacle—none more likely to propitiate an impartial Creator—than a rigid adherence to the principles of justice on the part of a powerful nation in its transactions with a weaker and uncivilized people, whom circumstances have placed at its disposal.

Before concluding, fellow-citizens, I must say something to you on the subject of the parties at this time existing in our country. To me it appears perfectly clear, that the interest of that country requires that the violence of the spirit, by which those parties are at this time governed, must be greatly mitigated, if not entirely extinguished, or consequences will ensue which are appalling to be thought of. If parties in a republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that they become destructive of public virtue, the parents of a spirit antagonist to that of liberty, and, eventually, its inevitable conqueror.

We have examples of republics, where the love of country and of liberty at one time were the dominant passions of the whole mass of citizens, and yet, with the continuance of the name and form of free government, not a vestige of those qualities remaining in the bosom of any one of its citizens. It was the beautiful remark of a distinguished English writer, that "in the Roman senate Octavius had a party, and Antony a party, but the commonwealth had none." Yet the senate continued to meet in the temple of liberty, to talk of the sacredness and beauty of the commonwealth, and gaze at the statues of the elder Brutus and of the Curtii and Decii. And the people assembled in the forum, not as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates or pass upon the acts of the senate, but to receive from the hands of the leaders of the respective parties their share of the spoils, and to shout for one or the other, as those collected in Gaul, or Egypt, and the Lesser Asia, would furnish the larger dividend. The spirit of liberty had fled, and, avoiding the abodes of civilized man, had sought protection in the wilds of Scythia or Scandinavia: and so, under the operation of the same causes and influences, it will fly from our capitol and our forums. A calamity so awful, not only to our country, but the world, must be deprecated by every patriot, and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist.

Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them from this high place to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests—hostile to liberty itself. It is a spirit contracted in its views, selfish in its object. It looks to the aggrandizement of a few, even to the destruction of the interest of the whole. The entire remedy is with the people. Something, however, may be effected by the means which they have placed in my hands. It is union that we want—not of a party for the sake of that party—but a union of the whole country for the sake of the whole country—for the defence of its interests and its honor against foreign aggression—for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me, it shall

be accomplished. All the influence that I possess, shall be exerted to prevent the formation at least of an executive party in the halls of the legislative body. I wish for the support of no member of that body to any measure of mine that does not satisfy his judgment and his sense of duty to those from whom he holds his appointment, nor any confidence in advance from the people, but that asked for by Mr. Jefferson, "to give firmness and effect to the legal administration of their affairs."

I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion, and a thorough conviction that sound morals, religious liberty, and a just sense of religious responsibility, are essentially connected with all true and lasting happiness; and to that good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers, and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time.

[Here the oath of office was administered by Chief-Justice TANEY.]

Fellow-citizens: Being fully invested with that high office to which the partiality of my countrymen has called me, I now take an affectionate leave of you. You will bear with you to your homes the remembrance of the pledge I have this day given to discharge all the high duties of my exalted station according to the best of my ability; and I shall enter upon their performance with entire confidence in the support of a just and generous people.

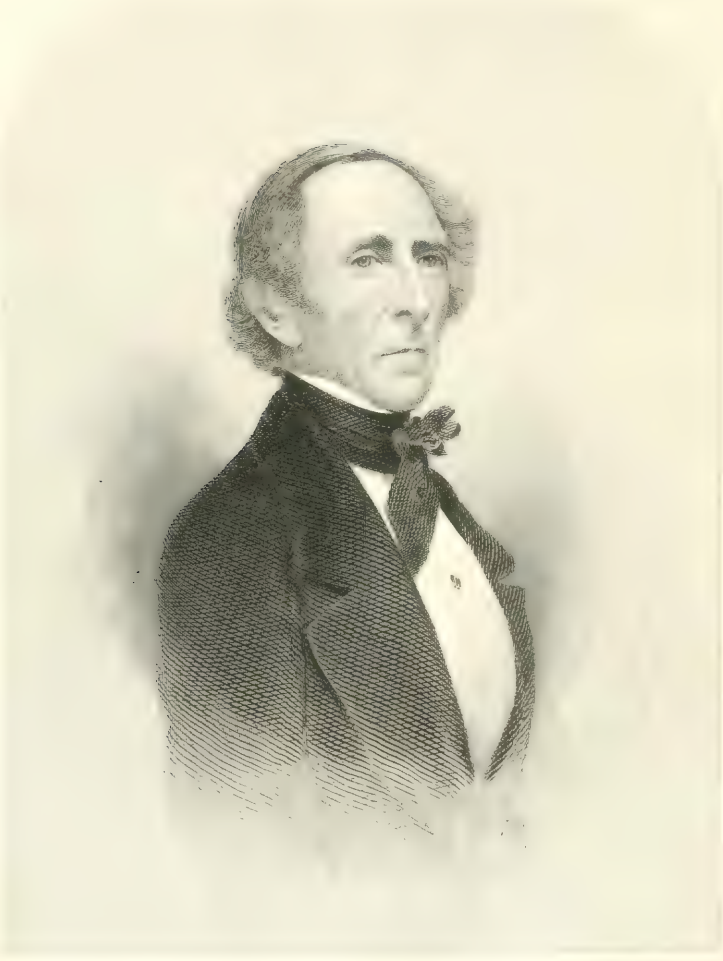
A PROCLAMATION.

MARCH 17, 1841.

WHEREAS, sundry important and weighty matters, principally growing out of the condition of the revenue and finances of the country, appear to me to call for the consideration of Congress at an earlier day than its next annual session, and thus form an extraordinary occasion, such as renders necessary, in my judgment, the convention of the two houses as soon as may be practicable, I do, therefore, by this my proclamation, convene the two houses of Congress, to meet in the capitol, at the city of Washington, on the last Monday, being the thirty-first day, of May next, and I require the respective senators and representatives then and there to assemble, in order to receive such information respecting the state of the Union as may be given to them, and to devise and adopt such measures as the good of the country may seem to them, in the exercise of their wisdom and discretion, to require.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty one, and of the independence of the United States the sixty-fifth.



John Tyler

BIOGRAPHICAL SKETCH

OF

JOHN TYLER

The ancestors of John Tyler, the tenth president of the United States, and the sixth chief magistrate of the nation whose birthplace was Virginia, were among the early English settlers of the Old Dominion. This family of Tyler, it is understood, traced their lineage back to Walter, or Wat Tyler, who, in the fourteenth century, headed an insurrection in England, and, while demanding of the king (Richard II.) a recognition of the rights of the people, lost his life in their cause.

The father of the subject of this sketch, bearing the same name, was the second son of John Tyler, who was marshal of the colony, under the royal government, up to the period of his death, which occurred after the remonstrances against the stamp act, and whose patrimonial estate covered a large tract of country in and about Williamsburg. The son early entered with warmth and spirit into the discussion of those grievances which afterward kindled the flame of the revolution; and so earnestly were his sympathies enlisted in the cause of colonial rights, and so unhesitatingly were his opinions expressed, that his father, the marshal, often told him that he would some day be hung for a rebel. A rebel he did indeed prove, but his consequent exaltation was destined to be, not the scaffold, but the chair of state. Removing from James City, some time in 1775, to Charles City, he was, not long after, elected from that county a member of the house of delegates of Virginia, and in that capacity distinguished himself by the zeal and fearlessness with which he advocated the boldest measures of the revolution, and the devotion with which he lent all the energies of a powerful mind to its success.*

The intimate friend of Jefferson, Patrick Henry, and Edmund Randolph, he was scarcely less beloved by the entire people of Virginia.

* We are indebted to a life of President Tyler, written by one of his friends, and published by Harper and Brothers, in 1844, for a part of this sketch.

Throughout the revolution, Mr. Tyler devoted himself unceasingly and untiringly to its success. A bold, free, and elegant speaker, his voice was never silent when it could avail aught for the great cause in which he was enlisted; and possessing an ample fortune at the commencement of the revolution—partly the inheritance of his father, but more the result of his own industry as a distinguished lawyer of the colony—the liberality with which he lavished his wealth upon its progress, and the utter disregard of selfish considerations with which he sacrificed his whole time during its continuance, to aid in bringing it to a successful termination, left him almost utterly impoverished at its close. None appreciated better than the people of Virginia the great services he had rendered, and the patriotic sacrifices he had made to the cause of independence; and he was elevated by them successively to the offices of speaker of the house of delegates, governor of the state, and judge in one of her highest courts. At the breaking out of the last war, he was appointed, by Mr. Madison, a judge of the federal court of admiralty. In February, 1813, he died, full of years and honors. The legislature passed resolutions expressive of their sense of the bereavement, and went into mourning for the remainder of the session.

Judge Tyler left three sons, Wat, John, and William, the second of whom, the subject of this memoir, was born in Charles City county, Virginia, on the 29th of March, 1790. Passing over the period of his early youth, when he was noted for his love of books, and particularly of historical works, we find young Tyler, at the age of twelve years, entering William and Mary college. Here he soon attracted the notice of Bishop Madison, the venerable president of that institution; and during his whole collegiate course, Mr. Tyler was, in an especial degree, a favorite of that distinguished man, as well as of his fellow-students. He passed through the courses at the age of seventeen, and on that occasion delivered an address on the subject of "female education," which was pronounced by the faculty to have been the best commencement oration delivered there within their recollection.

After leaving college, Mr. Tyler devoted himself to the study of law, already commenced during his collegiate studies, and passed the next two years in reading, partly with his father, and partly with Edmund Randolph, formerly governor of Virginia, and one of the most eminent lawyers in the state. At nineteen years of age, he appeared at the bar of his native county as a practising lawyer, a certificate having been given him without inquiry as to his age; and such was his success, that ere three months had elapsed there was scarcely a disputable case on the docket of the court in which he was not retained upon the one side or the other. The year after his appearance at the bar, he was offered a nomination as member of the legislature from his own county, but he declined the proffered honor, until the following year, when, having reached the age of twenty-

one but a few days before the election took place, he was chosen nearly unanimously, a member of the house of delegates.

He took his seat in that branch of the Virginia legislature in December, 1811. The breaking out of the war soon after, afforded fine scope for his oratorical abilities. Attached to the democratic party, and an advocate of the course of policy which had been pursued by Jefferson and Madison, in the limited sphere he then occupied, his voice was ever heard urging, so far as lay in the power of the government, the most energetic measures in carrying on the war. He spoke often, with the view of improving his powers of oratory; and the youthful debater had the gratification to find, that even in the forum of Virginia, the country of eloquence, his speeches commanded universal attention.

The senators in Congress from Virginia at that time, were Messrs. Giles and Brent, who had been instructed by the legislature to vote against the renewal of the charter of the bank of the United States. This instruction was disobeyed by Mr. Brent, in his vote on the question, in February, 1811, and Mr. Tyler introduced a resolution of censure into the house of delegates, animadverting severely upon the course of the senator, and laying it down as a principle to be established thereafter, that any person accepting the office of senator of the United States from the state of Virginia, by such acceptance tacitly bound himself to obey, during the period he should serve, the instructions he might receive from its legislature. Twenty-five years afterward he had not forgotten the ideas of senatorial duty he then inculcated, when, himself a senator, he was called upon to record a vote not less repugnant to his judgment than to his conscience. Mr. Tyler was elected to the legislature for five successive years; and, as an instance of his popularity in his native county, it may be mentioned, that on one occasion he received all the votes polled except five. Some years later, when a candidate for Congress, of the two hundred votes given in the same county, he received all but one, over a distinguished competitor.

At the time the British forces were in the Chesapeake bay, and threatened an attack on Norfolk and Richmond, Mr. Tyler evinced a disposition to serve his country in the field as well as in the halls of legislation, by raising a volunteer company, and devoting himself assiduously to effecting an efficient organization of the militia in his neighborhood. Hence the title of "Captain Tyler," which was applied to him, in ridicule, when president of the United States. In the sequel, the troops under his command were not brought into action, and his military career was, consequently, short and bloodless.

During the session of 1815–'16, while he was still a member of the house of delegates, Mr. Tyler was elected one of the executive council, in which capacity he acted until November, 1816, when, by the death of the Hon. John Clopton, a vacancy occurred in the representation in

Congress, from the Richmond district. Two candidates were presented, Mr. Andrew Stevenson, afterward distinguished in the national councils, and then speaker of the house of delegates, and Mr. Tyler. The contest was severe, and enlisted to a great extent the public feeling, though it produced no cessation of the friendly relations which had always existed between the two opposing candidates. Mr. Stevenson was a most popular man in Richmond, his place of residence, but Mr. Tyler's popularity was not less great in his own and the neighboring counties; and, after a closely contested canvass, Mr. Tyler was elected, by a majority of only about thirty votes. It was a mere trial of personal popularity, as they were both of the same political principle; and when Mr. Tyler retired from Congress, in 1821, he warmly advocated the election of Mr. Stevenson as his successor.

Mr. Tyler took his seat in the house of representatives in December, 1816, having reached the twenty-sixth year of his age the previous month of March. As a new member, custom, not less than the modesty which is ever the accompaniment of merit, prohibited him from taking a very active part in the proceedings of the house. Yet even during this period he was not idle, but occasionally participated in the discussions which occupied the short portion of time for which he had been elected.

Having witnessed the inauguration of President Monroe, Mr. Tyler returned home to his constituents, in March, 1817, and the following month he received a testimonial of their approbation, in his re-election to Congress by an overwhelming majority over his former rival, Mr. Stevenson.

In the fifteenth Congress many subjects of magnitude were brought forward and discussed. Among them were the Seminole war and the South American question. Mr. Clay, the speaker, introduced a proposition to acknowledge the independence of the provinces of Rio de la Plata, against which Mr. Tyler voted. He supported the resolutions of censure on the conduct of General Jackson in the Seminole war, taking the same view as some of his colleagues and Mr. Clay on that subject. The question of internal improvements by the general government was agitated at this session, as it had been by the previous Congress; on both occasions Mr. Tyler voted against all the propositions offered in the house which countenanced the doctrine of the possession of the power by the general government, under the constitution, to make internal improvements. Thus he avowed on, all occasions, the state-rights or strict construction doctrines of the dominant party in Virginia, on constitutional points. The conduct of the directors of the bank of the United States, which institution was chartered in 1816, was the subject of investigation at this session of Congress, and Mr. Tyler was placed on the committee appointed to inspect the concerns of the bank. When the report of the committee was made, Mr. Tyler supported a resolution offered by Mr. Trimble of Kentucky, requiring that a *scire facias* should be issued immediately against the bank.

In his speech on this occasion, Mr. Tyler avowed his belief that the creation of this corporation was unconstitutional.

In 1819, Mr. Tyler was re-elected to Congress, there being no opposing candidate. He took an active part in the debates on the Missouri question, and on the proposed revision of the tariff. He opposed any restrictions upon Missouri, on the admission of that state into the Union; and also made an elaborate argument against the policy of a protective tariff. Ere the close of this Congress, increasing ill health compelled Mr. Tyler to resign his seat in that body. Placed on the committee of ways and means, at a time when the financial affairs of the country were in a most disordered condition, his whole time and energies were devoted to the fulfilment of his duties, and constant labor and confinement made fearful inroads upon a constitution not strong by nature. He left the house of representatives, carrying with him the reputation of an eloquent speaker, a constant advocate of popular rights, and a democrat of the school of Jefferson. He retired to his farm in Charles City county, among constituents who approved of his course in Congress, and were conscious that naught but physical inability had compelled him to leave their service.

Mr. Tyler now returned to the practice of his profession, but he was not suffered long to remain in private life. In the spring of 1823, after much urgent solicitation, he consented to become again a candidate for the legislature, and was elected with little or no opposition, and, in December, took his seat in that body which had been so early familiar to him. He soon took the lead in the debates of the house of delegates, and during the two years which followed, he having been twice re-elected, performed a most conspicuous part in all the proceedings. There was little of the legislation of Virginia at that period that did not bear the impress of his hands. He was an ardent advocate of a comprehensive system of public improvement by the state. He regretted to see Virginia gradually falling from the high estate she had occupied in the Union; and he put forth his utmost efforts to arrest the downward progress of the commonwealth, and to arouse her dormant energies to a display of her vast resources. He was not wholly unsuccessful. The construction of roads and canals was liberally encouraged by the legislature, and many of the finest works in the state are monuments to the indefatigable exertions of John Tyler.

In December, 1825, Mr. Pleasants's term of office having expired, Mr. Tyler was elected governor of Virginia. The office, unsolicited and unexpected, was conferred upon him by a large vote, there being, on joint ballot of the two houses of the legislature, for Tyler 131, for Floyd 81, scattering 2. During his administration of Virginia, Mr. Tyler promoted the cause of internal improvement, and devoted himself also to the healing of sectional disputes among the people. In July, 1825, he delivered,

at the capitol square, in Richmond, an eloquent eulogy on the death of Mr. Jefferson.

During the next session of the legislature, Mr. Tyler was re-elected governor of Virginia by a unanimous vote. He was not, however, permitted to serve out his term. A senator of the United States was to be elected, for six years from the expiration of the term of John Randolph on the ensuing 4th of March. Mr. Randolph was the candidate of the democratic party for a re-election; but the strange vagaries and singular conduct which had so far marked his career in the senate, had excited discontent with very many of that party, and, convinced that he was no longer a proper representative of the state of Virginia, they began to look about for some man who, professing the same principles as themselves, had the firmness and ability to set them forth, and the dignity and strength of character to cause them to be respected. The friends of Mr. Adams's administration being in the minority in the legislature, united with a few of their political opponents in the support of Governor Tyler, in justice to whom, it must be said, that he sought not the nomination. "On the contrary," he remarked, in a letter written before the election, "I have constantly opposed myself to all solicitations. I desire, most earnestly, to be left at peace. There is no motive which could induce me to seek to change my present station for a seat in the senate at this time. I can not admit that to be *one* in a body of forty-eight members is to occupy a more elevated station than that presented in the chief magistracy of Virginia. My private interests, intimately connected with the good of my family, are more highly sustained by remaining where I am, than by the talked-of change." He also declared, in the same letter, that his political preferences on the fundamental principles of the government were the same with those espoused by Mr. Randolph.

Notwithstanding the positive manner in which he disclaimed any desire to be invested with the senatorial dignity, and the consequent loss of votes, Mr. Tyler was elected senator on the first ballot, the vote being for Tyler 115, Randolph 110.

The committee of the legislature appointed to wait on Governor Tyler and announce to him his election as senator, used the following, among other remarks: "Allow us, sir, to express to you the satisfaction which we feel in this new proof of the confidence which Virginia places in your known integrity, talents, and patriotism, believing that, as in your past, so in your future public life, you will never disappoint her confidence, and ever study to promote her true happiness; and while always faithfully representing, will ably and effectually vindicate her interests."

Mr. Tyler, in his reply, said, "A sense of what is due to the legislative will denies to me the privilege of giving longer audience to the suggestion of my feelings. That voice which called me to the chief magistracy, now makes upon me a new demand. I have opposed to it my wishes

and inclinations up to that period when acquiescence becomes a duty, and resistance would be censurable by all. I shall, then, in due season, accept the appointment with which I have been honored. Be pleased, gentlemen, to bear to your respective houses my most profound acknowledgments for this distinguished testimonial of their confidence; convey to them, renewed assurances of my unshaken allegiance to the constitution, as received and expounded by our fathers; say to them, that if I carry with me into the national councils less of talent than many of my predecessors, yet that, in singleness of purpose, and in ardent devotion to the principles of civil liberty, I yield to none. If Virginia has changed her representative, her principles remain unaltered. Be assured, that the only and highest aspiration of my ambition consists in the desire of promoting the happiness of my native state, and that it shall be the untiring effort of my life to advance and vindicate her interests."

This election, though regretted by the immediate friends of Mr. Randolph and the most zealous of the democratic party in Virginia, who were desirous to retain Mr. Randolph in the senate, in consequence of his violent hostility to the administration of Mr. Adams, was generally popular with the people of Virginia. Even the Richmond Enquirer, devoted as it was to Mr. Randolph's interests, in a paragraph regretting his failure, after enumerating a long list of causes which, it asserted, led to that result, said, "Yet even this combination could not have succeeded in favor of *any other* man in the commonwealth than John Tyler, because he carried with him personal friends who would have voted for John Randolph in preference to any other man than himself;" thus giving the highest possible evidence of the esteem in which Mr. Tyler was then held by the people of his native state.

At the presidential election of 1824–'5, Mr. Tyler acted with a large majority of the politicians in the state, in giving a preference to William H. Crawford for the presidency, and that gentleman received the electoral vote of the state, and a decided expression of the popular will in his favor. When, however, the election was determined by the house of representatives, in Congress, in favor of Mr. Adams, the Crawford party in Virginia were generally satisfied, as Mr. Adams was their second choice; and Mr. Tyler wrote a letter to Mr. Clay, of Kentucky, approving of his vote for Mr. Adams, in preference to General Jackson; but soon after the election of the former to the presidency, Mr. Tyler changed his views, and with most of the friends of Mr. Crawford, became an opponent of the administration.

A few days after his election as senator, Mr. Tyler sent to the legislature his resignation of the office of governor. The following is an extract from his message on that occasion: "The principles on which I have acted, without abandonment, in any one instance, for the last sixteen years, in Congress and in the legislative hall of this state, will be the principles

by which I will regulate my future political life. Keeping them constantly in view, yielding them neither to the force of circumstances nor to the suggestions of expediency, and thereby seeking to promote the lasting interests of my beloved country, if I do not acquire the individual confidence of Virginia, I shall at least have preserved my own consistency, and secured my peace of mind through the days of my increasing years, and in the hour of my final dissolution."

Upon the occasion of his retirement from the chief magistracy of the state, he was invited to a public dinner, by a large number of the members of the legislature, and of the citizens of Richmond. In answer to the following toast—"John Tyler, our friend and guest—a republican too firm to be driven from his principles—too upright to be swerved by the laws of ambition or power"—Mr. Tyler, among other remarks, said:—

"I can be at no loss to ascribe this manifestation of public respect to its proper source. It flows from the late senatorial election, and the incidents connected with it. I place upon it, therefore, the highest possible value. The recesses of my heart have been attempted to be scanned with the view of detecting some lurking wish at variance with my public declarations. Had I desired a change, what was there to have prevented me from openly seeking it? Are not the offices of the republic equally open to all its citizens? When was an exclusive monopoly established? or when was it before that 'Rome contained but one man'? Virginia, thank Heaven, depends upon no one of her citizens, however distinguished by talents, for her character or standing. She has been compared to the mother of the Gracchii, and I trust that she may still be permitted to be proud of her sons. For one who had been taught from early infancy that golden rule, that, next to his Creator, his first duty belonged to his country, and his last to himself, how could I have stood acquitted, had I permitted private considerations to have controlled the obligations of public duty? By accepting the appointment, while I interfered with the pretensions of no other citizen, I have acquitted myself of a sacred obligation."

After speaking at large upon the administration, and what he had hoped would have been the policy of Mr. Adams, he said:—

"Candor requires me here publicly to say, that his first splendid message to Congress long since withered all my hopes. I saw in it an almost total disregard of the federative principle—a more latitudinous construction of the constitution than has ever before been insisted on; lying not so much in the particular measures recommended—which, though bad enough, had some excuse in precedent—as in the broad and general principles there laid down as the basis of governmental duty. From the moment of seeing that message, all who have known anything of me have known that I stood distinctly opposed to this administration; not from a factious spirit, not with a view to elevate a favorite, or to advance myself, but on

the great principles which have regulated my past life. I honestly believe the preservation of the federative principles of our government to be inseparably connected with the perpetuation of liberty."

This public compliment was given him on the 3d of March 1827, the last day of the period during which he occupied the office of governor. On the 3d of December, 1827, Mr. Tyler took his seat in the senate of the United States, and at once arrayed himself with the opposition, which, arising from the circumstances attending Mr. Adams's election, and combining the supporters of Jackson, Crawford, and Calhoun, finally overthrew the administration. There were many minor points upon which the opposition acted with little or no unity; consisting of men who had but a short time before held conflicting political relations—they were, nevertheless, firmly united against the administration, and resolute in combating its policy and doctrines; and at the time of Mr. Tyler's entering the senate, the entire opposition had rallied in the support of General Jackson.

In accordance with the Virginia doctrines respecting the powers of the general government, and the policy of the country respecting trade and commerce, which also coincided with the views entertained by Mr. Tyler himself, he voted against the tariff bill of 1828, and the various projects for internal improvement which were introduced. In the debate concerning the powers of the vice-president, Mr. Tyler participated, supporting the positions assumed by Mr. Calhoun, who then occupied the chair of the senate.

On the accession of General Jackson to the presidency, Mr. Tyler supported his administration, concurring, in this respect, with a large majority of the people of Virginia. He, however, pursued an independent course in the senate, disapproving of some of the nominations of the president, and holding, as he did, to a strict construction of the constitution, in 1831 he opposed the appropriation to pay the negotiators of the treaty with Turkey, as that mission had not been authorized by Congress. Though a sincere friend of the administration, he regarded this act of General Jackson, in appointing commissioners, as a dangerous stretch of the presidential power; and while he by no means withdrew his support from the general policy of the party then in power, he felt bound to declare his opinion of acts which all his ideas of constitutional authority led him to reprobate.

To projects of internal improvement by the general government, Mr. Tyler was uniformly opposed, believing them unconstitutional, as we have already stated. He therefore highly approved of General Jackson's veto on the Maysville road bill, the passage of which he had previously opposed in the senate, in a speech of considerable length. The subject of the tariff being brought before the senate at the session of 1831–'2, by Mr. Clay, in a resolution proposing certain changes in the existing duties, a long and able debate arose thereon, in which Mr. Tyler participated.

His speech on this occasion was continued for three days, and evinced an extensive knowledge of the subject; and it was characterized by a warmth, earnestness, and depth of eloquence, which gave ample evidence of the intensity of his feeling on a topic which then excited much of the public attention at the south. He was opposed to a tariff specially for the protection of home industry, but in favor of a tariff for revenue which might incidentally afford such protection, and he expressed an anxiety for such an adjustment of the question as would restore peace and harmony to the Union.

The question of renewing the charter of the bank of the United States came up at the same session. Mr. Tyler steadily opposed the bill to modify and continue in force that institution, at every step of its progress through the senate, and voted against it on its final passage. After receiving the sanction of the house of representatives, the bill renewing the charter of the bank was defeated by the veto of President Jackson.

For the confirmation of Mr. Van Buren, who was nominated at this session for minister to England, Mr. Tyler gave his vote; and viewing the tariff of 1832 as a continuance of the system of protection, he voted against that measure, although the duties on imports were much reduced thereby, on many articles. With the nullifiers of South Carolina Mr. Tyler sympathized; and when the president took decided ground against the anti-tariff and nullifying proceedings of that state, the Virginia senator did not hesitate to withdraw his support from the administration, on the ground that they had abandoned the principles of state-rights, as he understood them, on which General Jackson had been supported in the southern states, and to which he owed his election as president. A bill called the force bill being introduced into the senate, to provide for the collection of the revenue, and vesting extraordinary powers in the president, Mr. Tyler opposed it in an animated speech. After a lengthened debate, the bill, was passed, Mr. Tyler's being the only name in the negative. The other opponents of the bill, Mr. Calhoun at their head, left the senate-chamber when the vote was taken, considering further opposition useless. During the progress of the bill, however, efforts were made in both houses to terminate the controversy peaceably. Mr. Clay finally introduced a bill in the senate, in February, 1833, which, conceived in the spirit of concession inculcated in the speech of Mr. Tyler, united the opposing parties in its favor, and passed the senate, with few dissenting voices. For this Mr. Tyler voted, and the bill, so celebrated since as Mr. Clay's compromise act, having previously passed the house, received the signature of the president.

During the preceding session of Congress, Mr. Tyler was re-elected to the senate for six years from the 4th of March, 1833. The most prominent among the proceedings of Congress, at the session of 1833–'4, was the action of the two houses upon the removal of the deposites. In the

interim between the last adjournment and the commencement of that session, the president determined upon removing the public moneys from the bank of the United States. Mr. Duane, the secretary of the treasury, having refused to comply with the wishes of the president, was dismissed from office, and Mr. Taney was appointed in his place, after which the will of the president was accomplished. Early in the session the subject was taken up in the senate, and resolutions of censure against the president, introduced by Mr. Clay, were adopted. For these resolutions Mr. Tyler voted, as did the senators from the south and west who held state-rights doctrines, and who now acted with Mr. Calhoun, in opposition to the administration of General Jackson. These, joined with the original opponents of the administration, formed a decided majority in the senate.

Mr. Tyler took an active part in the debate on the removal of the deposites. However unconstitutional he thought the establishment of the bank of the United States, it had been established by law, and by the same law it was made the depository of the public money; and any act by a public officer in derogation of that law, was as much deserving of, and as quickly received his censure, as if he had been the most ardent supporter of the institution. In his views he was sustained by instructions from Virginia, which state he said was exactly where she always had been —against the assumption of power by the Congress or by the president. "Her instructions to me," he continued, "convey the information, that she is against the bank, as she has always been; can any man find his apology for ratifying the late proceedings of the executive department, in the mere fact that the bank of the United States is a great evil; that it ought never to have been created; and that it should not be rechartered? For one, I say, if it is to die, let it die by law. It is a corporate existence created by law, and while it exists, entitled to the protection which the law throws around private rights. This, sir, is the aspect in which I regard this question; and this, I am instructed to say, is the light in which Virginia regards it."

The call was often made upon the committee of finance, of which Mr. Tyler was a member, to report a scheme of treasury agency. Mr. Tyler answered that he could see no propriety for that call, until the sense of the senate should be expressed upon the resolutions then under their consideration. If the executive were sustained in the power it had exerted over the subject, then Congress had nothing to do with it. The great question before the country was, whether Congress or the president was to be charged with the keeping of the treasury. The latter had already decided to establish a treasury agency himself, and if Congress affirmed that he had done so with full power and authority, that would be decisive of the question as to legislative cognizance. The executive authority was, in such case, coextensive with the whole subject, and the legislature would encroach upon his rights if it acted at all.

At this session, Mr. Tyler, from the committee on finance, which had been directed to inquire into the condition and affairs of the United States bank, made an able and voluminous report thereon. The report was assailed by Mr. Benton, immediately upon its introduction into the senate, and in reply to him, Mr. Tyler entered into a defence of the document, and from his remarks we make the following extracts :—

" Nothing," said he, " would please me more than to have the report which has been so furiously attacked by the senator from Missouri, referred to another committee for their most rigid examination ; and I would be well pleased that he be one of the committee. Let him summon his witnesses, and take depositions without number ; let him then return with his budget to the house, and lay them, with or without an air of triumph, on the table. He would find himself mistaken. All his witnesses combined would not be able to overthrow the testimony upon which the report of the committee is based. There is not a single declaration in the report which is not founded upon testimony which cannot lie—written documentary evidence which no party testimony can overcome."

" The honorable senator has denominated the report ' an elaborate defence of the bank.' If he had paid more attention to the reading, or had waited to have it in print, he would not have hazarded such a declaration. The committee have presented both sides of the question ; the view most favorable, and that most unfavorable to the institution."

" He has loudly talked of the committee having been made an instrument of by the bank. For myself, I renounce the ascription. I must tell the senator that I can no more be made an instrument of by the bank, than by the still greater and more formidable power, the administration. I stand upon this floor to accomplish the purposes for which I am sent. In the consciousness of my own honesty, I stand firm and erect. I worship alone at the shrine of truth and honor. It is a precious thing in the eyes of some, to bask in the sunshine of power. I rest only upon the support which has *never* failed me—the high and lofty feeling of my constituents. I would not be an instrument even in their hands, if it were possible for them to require it of me, to gratify an unrighteous motive."

" The committee, in their investigations, have sought for nothing but the truth. I am opposed—have always been opposed—to the bank. In its creation I regard the constitution as having been violated, and I desire to see it expire. But the senate appointed me, with others, to inquire whether it was guilty of certain charges, and I should regard myself as the basest of mankind were I to charge it falsely. The report is founded on unquestionable documentary evidence. I shall hold myself ready to answer all the objections which can be raised against it, and to prove, from the documents themselves, that the report is made with the utmost fairness, and the most scrupulous regard to truth."

The extracts from Mr. Tyler's speeches and other productions, which

we have given, serve to elucidate his political character and modes of thinking, as well as to exhibit the uniformity of his course, in adhering with singular tenacity to the doctrines of state-rights and strict construction of the Virginia school of democracy. His course in the senate effected a separation between him and that portion of the democratic party in Virginia, who still adhered to General Jackson, and who, in the sequel, supported Mr. Van Buren for the presidency. But there was still a wide difference between the principles and views entertained by Mr. Tyler, and those of the original opponents of General Jackson, who formed the largest proportion of the party which took the name of whigs, previous to the presidential election of 1836.

Near the close of the session, in March, 1835, Mr. Tyler was elected president of the senate *pro tempore*, by the united votes of the whig and state-rights senators. On taking the chair, he made a brief and eloquent address, in the course of which he said: "You are the representatives of sovereign states, deputed by them to uphold and maintain their rights and interests. You may severally, in your turn, have become the objects of attack and denunciation before the public; but there is not, and can not be an American who does not turn his eyes on the senate of the United States, as to the great conservative body of our federal system, and to this chamber as the ark in which the covenant is deposited. To have received, therefore, at your hands, this station, furnishes to me abundant cause for self-gratulation."

One of the last acts of Mr. Tyler, at this session, was to vote against the amendment made by the house of representatives to the fortification bill, placing three millions of dollars at the disposal of the president, to provide for anticipated difficulties with France. This was a proposition to place the war-making power, belonging solely to Congress, in the hands of the president. The amendment was disagreed to by the senate, and Congress adjourned without passing the bill.

At the next session, that of 1835—'6, during the brief period he remained in the senate, Mr. Tyler took an active part in behalf of the sufferers by the great fire in New York, and supported the bill introduced into Congress for their relief. In February, 1836, the legislature of Virginia passed resolutions instructing the senators from that state to vote for a resolution directing the resolution of March 28, 1834, to be expunged from the journal of the senate. These resolutions were then, by direction of the general assembly, forwarded, by the speakers of the respective houses, to the senators from Virginia.

Mr. Leigh, the colleague of Mr. Tyler, in answer to the resolutions, wrote a long and able letter, in which, while he acknowledged the right of instruction in all cases where no constitutional point was involved, or where any doubt existed as to the constitutionality of any particular measure, he denied that he was bound to obey any instruction commanding

him to do an act which, in his conscientious opinion, would be, in itself, a plain violation of the instrument he was sworn to support, and in its consequences dangerous and mischievous in the extreme. He concluded his letter by declaring, that he would neither obey the instructions given him, nor resign his seat, and expressed the determination to vindicate the resolutions of the 28th of March, 1834, at any time when they should be brought under consideration. Mr. Leigh, however, resigned his seat in 1836.

Mr. Tyler took a somewhat different course from his colleague; and his conduct on the occasion greatly elevated him in the estimation of the public, particularly among the advocates of the doctrine of instruction. He might well have been held excusable, even by them, if he had refused to obey the instructions, and had retained his seat, for he was supported by the fact that the very vote he was now called upon to expunge was given under instructions, if not as explicit, at least quite as decisive of the opinion of the legislature as those now presented. But he was not willing then to overthrow or mar in the least degree the consistency of his previous life, with regard to the right of instruction. As his first act in the legislature of his own state had been the advocacy of that principle, so the first speech he had ever made in the Congress of the United States was declaratory of what he considered the same truth—the right of the constituent to instruct—the duty of the representative to obey. He could not obey the instructions he had received without falsifying his own judgment, and violating his conscience by a breach of that constitution he had sworn to support, a clause of which requires that the senate shall "keep a journal of its proceedings, and publish it from time to time;" and in such circumstances he was not long in deciding to surrender into the hands of those who gave it, or rather their successors, the honorable place with which he had been intrusted. He could not silently submit, however, to be instructed out of his seat, and he took the opportunity to lay before the people of the state and the public generally, in his letter of resignation to the legislature of Virginia, an exhibition of the principles by which his public life had thus far been guided, and of the motives by which his present conduct was ruled. The following are extracts from this letter, dated Washington, February 20, 1836:—

"I now reaffirm the opinion at all times heretofore expressed by me, that instructions are mandatory, provided they do not require a violation of the constitution, or the commission of an act of moral turpitude. In the course of a somewhat long political life, it must have occurred that my opinions have been variant from the opinions of those I represent; but in presenting to me the alternative of resignation in this instance, you give me to be distinctly informed that the accomplishment of your object is regarded as of such primary importance that my resignation is desired if compliance can not be yielded. I am bound to consider you as in this

fairly representing the sentiments of our common constituents, the people of Virginia, to whom alone you are amenable if you have mistaken their wishes.

"In voting for the resolution of the senate, against which you are now so indignant, I did no more than carry out the people's declared views of the legislature, as expressed in their resolutions of that day, and which were passed by overwhelming majorities of more than two to one in both houses. The terms employed by the legislature were strong and decided. The conduct of the president was represented as dangerous and alarming I was told that it could not be too strongly condemned; that he had manifested a disposition greatly to extend his official influence; and because, with these declarations before me, I voted for a resolution which declares 'that the president, in the late executive proceedings, has assumed upon himself authority and power not conferred by the constitution and laws. but in derogation of both,' I am now ostracized by your fiat, which requires obedience or resignation. Compare the resolutions of the general assembly of that day with the above resolution, and its mildness will be entirely obvious. I submit, with all due deference, to yourselves, what is to be the condition of the senator in future, if, for yielding obedience to the wishes of one legislature, he is to be called upon to resign by another? If he disobeys the first, he is contemned; if he obeys the last, he violates his oath, and becomes an object of scorn and contempt. I respectfully ask, if this be the mode by which the great right of instructions is to be sustained, may it not degenerate into an engine of faction—an instrument to be employed by the outs to get in, instead of being directed to noble purposes—to the advancement of the cause of civil liberty? May it not be converted into a political guillotine, devoted to the worst of purposes? Nor are these anticipations at all weakened by the fact, as it existed in the case now under consideration, that several of those who constitute the present majority in the general assembly, and who now call upon me to expunge the journal or to resign my seat, actually voted for the very resolutions of a previous session, to which I have referred.

"I dare not touch the journal of the senate. The constitution forbids it. In the midst of all the agitations of party, I have heretofore stood by that sacred instrument. It is the only post of honor and of safety. A seat in the senate is sufficiently elevated to fill the measure of any man's ambition; and as an evidence of the sincerity of my convictions that your resolutions can not be executed, without violating my oath, I surrender into your hands three unexpired years of my term. I shall carry with me into retirement, the principles which I brought with me into public life, and by the surrender of the high station to which I was called by the voice of the people of Virginia, I shall set an example to my children which shall teach them to regard as nothing place and office, when to be either obtained or held at the sacrifice of honor."

At the same time, Mr. Tyler placed in the hands of the president of the senate, Mr. Van Buren, a letter informing the senate that he had resigned into the hands of the general assembly of Virginia his seat as a senator from that state. Mr. Rives was elected, by the legislature of Virginia, to fill the vacancy occasioned by Mr. Tyler's resignation, and the latter retired once more to his home and the practice of his profession. His course was highly commended, not only in Virginia, but throughout the Union. Soon after his retirement, a public dinner was given to Mr. Leigh and himself, and the following was among the toasts expressing similar feelings: "Our honored guest, John Tyler—'Expunged' from a post that he adorned, and the functions of which he ever faithfully and ably discharged, by the complying tools of an unprincipled aspirant, he is but the more endeared to the hearts of his countrymen."

Some time in 1830, Mr. Tyler had removed from Charles City county to Gloucester, where his family had resided until the present year. He now again removed to Williamsburg, the ancient dwelling-place of his fathers; and though his name was, in 1836, placed upon the electoral ticket of some of the states, as a candidate for the vice-presidency, he mingled very little, for a time, in political matters, devoting himself exclusively to his private pursuits.

He was first nominated for vice-president in Maryland, in December, 1835, and in that state placed on the ticket with General Harrison, the whig candidate for president. He also received, in 1836, the support of the friends of Judge White in the states where that gentleman was the candidate for president against Mr. Van Buren; but Maryland was the only state that voted for Harrison which gave its electoral vote to Mr. Tyler. He, however, received the votes of South Carolina (which state gave its vote to Mr. Mangum, of North Carolina, for president), Georgia, and Tennessee, for vice-president, in addition to the votes of Maryland, making 47 in all, Francis Granger receiving the votes of the other states in the opposition, including Kentucky. It thus appears that Mr. Tyler was not in 1836 considered the whig candidate for vice-president, his principal support for that office being derived from the state-rights party of the south and west, who in some respects co-operated with the whigs in opposition to Jackson and Van Buren. Virginia refused to vote for Richard M. Johnson for vice-president, but as the friends of Jackson and Van Buren controlled the electoral vote of the state, it was not given to Mr. Tyler, but to William Smith, of Alabama.

In the spring of 1838, Mr. Tyler was elected by the whigs of James City county, a member of the house of delegates of Virginia; and during the subsequent session of the legislature he acted with the whig party, under which name the different sections of the opposition to Mr. Van Buren's administration gradually became amalgamated in Virginia.

In 1839, Mr. Tyler was elected one of the delegates from Virginia to

the whig national convention which met at Harrisburg, Pennsylvania, to nominate candidates for president and vice-president of the United States. It is well known that Mr. Clay, of Kentucky, was the favorite candidate of the delegates from the southern states, in that convention. The course of Mr. Clay in the senate, on many occasions, particularly in bringing about a settlement of the controversy respecting the tariff and South Carolina nullification, had rendered him popular with the state-rights section of the whigs, and they were anxious for his nomination to the presidency. In this feeling Mr. Tyler warmly participated, with all the Virginia delegation. He was chosen one of the vice-presidents of the convention, and exerted his influence in favor of Mr. Clay. General Harrison, however, was nominated for president, and Mr. Tyler was among those who expressed their deep regrets at the defeat of Mr. Clay as a candidate.

The question of a candidate for president had so much absorbed the attention of the whigs, that the subject of a candidate for vice-president had attracted but little attention. When General Harrison was nominated for the first office, it became necessary, in the judgment of the delegates, to take a candidate for vice-president from the south, and, after a brief consultation, the nomination was offered to Mr. Tyler, and accepted. As he was an ardent friend of Mr. Clay, it was supposed that this nomination would be popular with the friends of that gentleman, under the feelings of disappointment with which it was anticipated they would receive the nomination of General Harrison. Had the event of Mr. Tyler's succession to the presidency been contemplated, it can not be doubted that a scrutiny of his principles, and the remembrance of his course and action on cherished whig measures, would have caused more hesitancy in placing him on the presidential ticket, if not his prompt rejection, by the whig convention.

The speeches, letters, and declarations of Mr. Tyler, during the canvass of 1840, were generally satisfactory to the whigs, and gave reasonable expectation that he would co-operate with General Harrison and Mr. Clay in carrying out the wishes of the whig party, if successful in the election.

The triumph of the whigs, which elevated General Harrison to the presidency, Mr. Tyler to the vice-presidency, and secured a whig majority in both houses of Congress, we have elsewhere related in this volume. It only remains to mention, in this place, that the sudden and lamented death of President Harrison, in one month after his inauguration, devolved upon Mr. Tyler, in April, 1841, the high and responsible duties of president of the United States. The events of the succeeding four years will be found in our history of his administration.

There can be no doubt that Mr. Tyler mistook his position in attempting to act with the whig party, and in accepting their nomination for one of the highest offices in the nation, which, by the dispensation of Providence,

placed him in the presidential chair, clothed with the power and patronage of that high station. That the whigs also acted without due reflection, in his nomination, is alike evident; and from these two causes flowed the consequences which resulted in the embarrassment, difficulties, and total loss of popularity with both the great parties of the country, on the one side, of the president, and bitter disappointment and chagrin on the part of the whigs.

In person, Mr. Tyler is rather tall and thin, with light complexion, blue eyes, and prominent features. His manners are plain and affable, and in private life he is amiable, hospitable, and courteous. His errors as a politician are ascribed, by some, to a want of judgment, to an inordinate vanity, and the influence of bad advice; to which may be added, extreme obstinacy in persisting in opinions once formed, without regard to consequences.

In 1813, at the age of twenty-three, Mr. Tyler married a lady about his own age, Miss Letitia Christian, daughter of Robert Christian, Esq., of New Kent county, Virginia. She was a lady much esteemed by her acquaintances, as a wife, a mother, a friend, and a Christian, being for many years a member of the episcopal church. She died at Washington, September 10, 1842, leaving three sons and three daughters. While president of the United States, Mr. Tyler was again married, to Miss Julia Gardiner, of New York, daughter of the late David Gardiner, Esq., of that city, who was killed by an explosion on board the steamship Princeton, in February, 1844. The marriage of the president took place at New York, on the 26th of June, 1844. Since his retirement from the presidency, Mr. Tyler has resided at his seat near Williamsburg, Virginia.

TYLER'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

April 9, 1841.

To the People of the United States :—

Fellow-Citizens: Before my arrival at the seat of government the painful communication was made to you, by the several departments, of the deeply-regretted death of William Henry Harrison, late president of the United States. Upon him you had conferred your suffrages for the first office in your gift, and had selected him as your chosen instrument to correct and reform all such errors and abuses as had manifested themselves from time to time in the practical operation of the government. While standing at the threshold of this great work, he has, by the dispensation of an all-wise Providence, been removed from among us, and, by the provisions of the constitution, the efforts to be directed to the accomplishment of this vitally-important task have devolved upon myself. This same occurrence has subjected the wisdom and sufficiency of our institutions to a new test. For the first time in our history the person elected to the vice-presidency of the United States, by the happening of a contingency provided for in the constitution, has had devolved upon him the presidential office. The spirit of faction which is directly opposed to the spirit of a lofty patriotism, may find in this occasion for assaults upon my administration. And in succeeding, under circumstances so sudden and unexpected, and to responsibilities so greatly augmented, to the administration of public affairs, I shall place in the intelligence and patriotism of the people my only sure reliance. My earnest prayer shall be constantly addressed to the all-wise and all-powerful Being who made me, and by whose dispensation I am called to the high office of president of this confederacy, understandingly to carry out the principles of that constitution which I have sworn to "protect, preserve, and defend."

The usual opportunity which is afforded to a chief magistrate, upon his induction to office, of presenting to his countrymen an exposition of the policy which would guide his administration, in the form of an inaugural address, not having, under the peculiar circumstances which have brought me to the discharge of the high duties of president of the United States, been afforded to me, a brief exposition of the principles which will govern me in the general course of my administration of public affairs would seem to be due as well to myself as to you.

In regard to foreign nations, the groundwork of my policy will be justice on our part to all, submitting to injustice from none. While I shall sedulously cultivate the relations of peace and amity with one and all, it will be my most imperative duty to see that the honor of the country shall sustain no blemish. With a view to this, our military defences will become a matter of anxious solicitude. The army, which has in other days covered itself with renown, and the navy, not inappropriately termed the right arm of the public defence, which has spread a light of glory over the American standard in all the waters of the earth, should be rendered replete with efficiency.

In view of the fact well avouched by history, that the tendency of all human institutions is to concentrate power in the hands of a single man, and that their ultimate downfall has proceeded from this cause, I deem it of the most essential importance that a complete separation should take place between the sword and the purse. No matter where or how the public moneys shall be deposited, so long as the president can exert the power of appointing and removing, at his pleasure, the agents selected for their custody, the commander-in-chief of the army and navy is in fact the treasurer. A permanent and radical change should therefore be decreed. The patronage incident to the presidential office, already great, is constantly increasing. Such increase is destined to keep pace with the growth of our population, until, without a figure of speech, an army of officeholders may be spread over the land. The unrestrained power exerted by a selfishly-ambitious man, in order either to perpetuate his authority or to hand it over to some favorite as his successor, may lead to the employment of all the means within his control to accomplish his object. The right to remove from office, while subjected to no just restraint, is inevitably destined to produce a spirit of crouching servility with the official corps, which, in order to uphold the hand which feeds them, would lead to direct and active interference in the elections, both state and federal, thereby subjecting the course of state legislation to the dictation of the chief executive officer, and making the will of that officer absolute and supreme. I will, at a proper time, invoke the action of Congress upon this subject, and shall readily acquiesce in the adoption of all proper measures which are calculated to arrest these evils, so full of danger in their tendency. I will remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except in cases where such officer has been guilty of an active partisanship, or by secret means—the less manly, and therefore the more objectionable—has given his official influence to the purposes of party, thereby bringing the patronage of the government in conflict with the freedom of elections. Numerous removals may become necessary under this rule. These will be made by me through no acerbity of feeling. I have had no cause to cherish or indulge unkind feelings toward any, but my conduct will be regulated by a profound sense of what is due to the country and its institutions; nor shall I neglect to apply the same unbending rule to those of my own appointment. Freedom of opinion will be tolerated, the full enjoyment of the right of suffrage will be maintained as the birthright of every American citizen; but I say emphatically to the official corps, "thus far and no farther." I have dwelt the longer upon this subject, because removals from office are likely often to arise, and I would have my countrymen to understand the principle of the executive action.

In all public expenditures, the most rigid economy should be resorted to,

and as one of its results, a public debt in time of peace be sedulously avoided. A wise and patriotic constituency will never object to the imposition of necessary burdens for useful ends; and true wisdom dictates the resort to such means, in order to supply deficiencies in the revenue, rather than to those doubtful expedients which, ultimating in a public debt, serve to embarrass the resources of the country, and to lessen its ability to meet any great emergency which may arise. All sinecures should be abolished. The appropriations should be direct and explicit, so as to leave as limited a share of discretion to the disbursing agents as may be found compatible with the public service. A strict responsibility on the part of all the agents of the government should be maintained, and peculation or defalcation visited with immediate expulsion from office, and the most condign punishment.

The public interest also demands, that if any war has existed between the government and the currency, it shall cease. Measures of a financial character, now having the sanction of legal enactment, shall be faithfully enforced until repealed by the legislative authority. But I owe it to myself to declare, that I regard existing enactments as unwise and impolitic, and in a high degree oppressive. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever-glorious example.

The institutions under which we live, my countrymen, secure each person in the perfect enjoyment of all his rights. The spectacle is exhibited to the world of a government deriving its powers from the consent of the governed, and having imparted to it only so much power as is necessary for its successful operation. Those who are charged with its administration should carefully abstain from all attempts to enlarge the range of the powers thus granted to the several departments of the government, other than by an appeal to the people for additional grants, lest, by so doing, they disturb that balance which the patriots and statesmen who framed the constitution designed to establish between the federal government and the states composing the Union. The observance of these rules is enjoined upon us by that feeling of reverence and affection which finds a place in the heart of every patriot for the preservation of the Union and the blessings of union—for the good of our children and our children's children, through countless generations. An opposite course could not fail to generate factions, intent upon the gratification of their selfish ends, to give birth to local and sectional jealousies, and to ultimate either in breaking asunder the bonds of union, or in building up a central system, which would inevitably end in a bloody sceptre and an iron crown.

In conclusion, I beg you to be assured, that I shall exert myself to carry the foregoing principles into practice during my administration of the government; and, confiding in the protecting care of the ever-watchful and over-ruling Providence, it shall be my first and highest duty to preserve unimpaired the free institutions under which we live, and transmit them to those who shall succeed me in their full force and vigor.

A RECOMMENDATION.

April 13, 1841.

To the People of the United States:—

When a Christian people feel themselves to be overtaken by a great public calamity, it becomes them to humble themselves under the dispensation of Divine Providence, to recognise his righteous government over the children of men, to acknowledge his goodness in time past, as well as their own unworthiness, and to supplicate his merciful protection for the future.

The death of William Henry Harrison, late president of the United States, so soon after his elevation to that high office, is a bereavement peculiarly calculated to be regarded as a heavy affliction, and to impress all minds with a sense of the uncertainty of human things, and of the dependence of nations as well as of individuals, upon our heavenly Parent.

I have thought, therefore, that I should be acting in conformity with the general expectation and feelings of the community, in recommending, as I now do, to the people of the United States, of every religious denomination, that, according to their several modes and forms of worship, they observe a day of fasting and prayer, by such religious services as may be suitable on the occasion; and I recommend Friday, the fourteenth day of May next, for that purpose; to the end that, on that day, we may all, with one accord, join in humble and reverential approach to Him in whose hands we are, invoking him to inspire us with a proper spirit and temper of heart and mind under these frowns of his providence, and still to bestow his gracious benedictions upon our government and our country.

MESSAGE.—SPECIAL SESSION.

June 1, 1841.

To the Senate and House of Representatives of the United States:—

Fellow-Citizens: You have been assembled in your respective halls of legislation under a proclamation bearing the signature of the illustrious citizen who was so lately called by the direct suffrages of the people to the discharge of the important functions of their chief executive office. Upon the expiration of a single month from the day of his installation he has paid the great debt of nature, leaving behind him a name associated with the recollection of numerous benefits conferred upon the country, during a long life of patriotic devotion. With this public bereavement are connected other considerations which will not escape the attention of Congress. The preparations necessary for his removal to the seat of government, in view of a residence of four years, must have devolved upon the late president heavy expenditures, which, if permitted to burden the limited resources of his private fortune, may tend to the serious embarrassment of his surviving family; and it is therefore respectfully submitted to Congress whether the ordinary principles of justice would not dictate the propriety of its legislative interposition. By the provisions of the fundamental law, the powers and duties of the high station to which he was elected, have devolved

upon me; and in the disposition of the representatives of the states and of the people, will be found, to a great extent, a solution of the problem to which our institutions are, for the first time subjected.

In entering upon the duties of this office, I did not feel that it would be becoming in me to disturb what had been ordered by my lamented predecessor. Whatever, therefore, may have been my opinion originally as to the propriety of convening Congress at so early a day from that of its late adjournment, I found a new and controlling inducement not to interfere with the patriotic desires of the late president, in the novelty of the situation in which I was so unexpectedly placed. My first wish under such circumstances, would necessarily have been to have called to my aid, in the administration of public affairs, the combined wisdom of the two houses of Congress, in order to take their counsel and advice as to the best mode of extricating the government and the country from the embarrassments weighing heavily on both. I am then most happy in finding myself, so soon after my accession to the presidency, surrounded by the immediate representatives of the states and people.

No important changes having taken place in our foreign relations since the last session of Congress, it is not deemed necessary, on this occasion, to go into a detailed statement in regard to them. I am happy to say that I see nothing to destroy the hope of being able to preserve peace.

The ratification of the treaty with Portugal has been duly exchanged between the two governments. This government has not been inattentive to the interests of those of our citizens who have claims on the government of Spain, founded on express treaty stipulations; and a hope is indulged that the representations which have been made to that government on this subject, may lead, ere long, to beneficial results.

A correspondence has taken place between the secretary of state and the minister of her Britannic majesty accredited to this government, on the subject of Alexander M'Leod's indictment and imprisonment, copies of which are herewith communicated to Congress.

In addition to what appears from these papers, it may be proper to state, that Alexander M'Leod has been heard by the supreme court of the state of New York, on his motion to be discharged from imprisonment, and that the decision of that court has not as yet been pronounced.

The secretary of state has addressed to me a paper upon two subjects, interesting to the commerce of the country, which will receive my consideration, and which I have the honor to communicate to Congress.

So far as it depends on the course of this government, our relations of good will and friendship will be sedulously cultivated with all nations. The true American policy will be found to consist in the exercise of a spirit of justice to be manifested in the discharge of all our international obligations to the weakest of the family of nations as well as to the most powerful. Occasional conflicts of opinion may arise, but when the discussions incident to them are conducted in the language of truth, and with a strict regard to justice, the scourge of war will for the most part be avoided. The time ought to be regarded as having gone by when a resort to arms is to be esteemed as the only proper arbiter of national differences.

The census recently taken shows a regularly progressive increase in our population. Upon the breaking out of the war of the revolution, our numbers scarcely equalled three millions of souls; they already exceed seventeen millions, and will continue to progress in a ratio which dupli-

cates in a period of about twenty-three years. The old states contain a territory sufficient in itself to maintain a population of additional millions, and the most populous of the new states may even yet be regarded as but partially settled; while of the new lands on this side of the Rocky mountains, to say nothing of the immense region which stretches from the base of those mountains to the mouth of the Columbia river, about two hundred and seventy millions of acres, ceded and unceded, still remain to be brought into market. We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly-growing family; and for the blessings which we offer them, we require of them to look upon our country as their country, and to unite with us in the great task of preserving our institutions, and thereby perpetuating our liberties. No motive exists for foreign conquests; we desire but to reclaim our almost illimitable wilderness, and to introduce into their depth the lights of civilization. While we shall at all times be prepared to vindicate the national honor, our most earnest desire will be to maintain an unbroken peace.

In presenting the foregoing views, I can not withhold the expression of the opinion, that there exists nothing in the extension of our empire, over our acknowledged possessions, to excite the alarm of the patriot for the safety of our institutions. The federative system, leaving to each state the care of its domestic concerns, and devolving on the federal government those of general import, admits in safety of the greatest expansion; but, at the same time, I deem it proper to add, that there will be found to exist, at all times, an imperious necessity for restraining all the functionaries of this government within the range of their respective powers, thereby preserving a just balance between the powers granted to this government and those reserved to the states and to the people.

From the report of the secretary of the treasury, you will perceive that the fiscal means, present and accruing, are insufficient to supply the wants of the government for the current year. The balance in the treasury on the fourth day of March last, not covered by outstanding drafts, and exclusive of trust funds, is estimated at eight hundred and sixty thousand dollars. This includes the sum of two hundred and fifteen thousand dollars deposited in the mint and its branches to procure metal for coining and in the process of coinage, and which could not be withdrawn without inconvenience—thus leaving subject to draft, in the various depositories, the sum of six hundred and forty-five thousand dollars. By virtue of two several acts of Congress, the secretary of the treasury was authorized to issue, on and after the fourth day of March last, treasury-notes to the amount of five millions four hundred and thirteen thousand dollars, making on aggregate available fund on hand of six millions and fifty-eight thousand dollars.

But this fund was chargeable with outstanding treasury-notes redeemable in the current year, and interest thereon to the estimated amount of five millions, two hundred and eighty thousand dollars. There is also thrown upon the treasury the payment of a large amount of demands accrued in whole or in part, in former years, which will exhaust the available means of the treasury, and leave the accruing revenue, reduced as it is in amount, burdened with debt, and charged with the current expenses of the government.

The aggregate amount of outstanding appropriations, on the fourth day of March last, was thirty-three millions four hundred and twenty-nine

thousand six hundred and sixteen dollars and fifty cents, of which twenty-four millions two hundred and ten thousand three hundred dollars will be required during the current year; and there will also be required for the use of the war department, additional appropriations to the amount of two millions five hundred and eleven thousand one hundred and thirty-two dollars and ninety-eight cents, the special objects of which will be seen by reference to the report of the secretary of war. The anticipated means of the treasury are greatly inadequate to this demand. The receipts from customs for the last three quarters of the last year and the first quarter of the present year, amounted to twelve millions one hundred thousand dollars. The receipts for lands, for the same time, to two millions seven hundred and forty-two thousand four hundred and thirty dollars and sixty cents, showing an average revenue, from both sources, of one million two hundred and thirty-six thousand eight hundred and seventy dollars per month.

A gradual expansion of trade growing out of a restoration of confidence, together with a reduction in the expenses of collecting, and punctuality on the part of collecting officers, may cause an addition to the monthly receipts from the customs. They are estimated, for the residue of the year, from the 4th of March, at twelve millions of dollars. The receipts from the public lands, for the same time, are estimated at two millions five hundred thousand dollars, and from miscellaneous sources at one hundred and seventy thousand dollars; making an aggregate of available funds within the year, of fifteen millions, three hundred and fifteen thousand dollars, which will leave a probable deficit of eleven millions, four hundred and six thousand, one hundred and thirty-two dollars, and ninety-eight cents. To meet this, some temporary provision is necessary, until the amount can be absorbed by the excess of revenues which are anticipated to accrue at no distant day.

There will fall due, within the next three months, treasury-notes of the issues of 1840, including interest, about two millions, eight hundred and fifty thousand dollars. There is chargeable in the same period, for arrearages for taking the sixth census, two hundred and ninety-four thousand dollars, and the estimated expenditures for the current service are about eight millions, one hundred thousand dollars, making the aggregate demand upon the treasury, prior to the 1st of September next, about eleven millions, three hundred and forty thousand dollars.

The ways and means in the treasury, and estimated to accrue within the above-named period, consist of about six hundred and ninety-four thousand dollars, of funds available on the 28th ultimo, an unissued balance of treasury-notes, authorized by the act of 1841, amounting to one million, nine hundred and fifty-five thousand dollars, and estimated receipts from all sources, of three millions, eight hundred thousand dollars, making an aggregate of about six millions, four hundred and fifty thousand dollars, and leaving a probable deficit on the first of September next, of four millions, eight hundred and forty-five thousand dollars.

In order to supply the wants of the government, an intelligent constituency, in view of their best interests, will, without hesitation, submit to all necessary burdens. But it is, nevertheless, important so to impose them as to avoid defeating the just expectations of the country growing out of pre-existing laws. The act of the 2d of March, 1833, commonly called the compromise act, should not be altered, except under urgent necessities, which are not believed at this time to exist. One year only remains to

complete the series of reductions provided for by that law, at which time provisions made by the same law, and which then will be brought actively in aid of the manufacturing interests of the Union, will not fail to produce the most beneficial results. Under a system of discriminating duties, imposed for purposes of revenue, in union with the provisions of existing laws, it is to be hoped that our policy will in future be fixed and permanent, so as to avoid those constant fluctuations which defeat the very objects they have in view. We shall thus best maintain a position, which, while it will enable us the more readily to meet the advances of other countries calculated to promote our trade and commerce, will at the same time leave in our own hands the means of retaliating, with greater effect, unjust regulations.

In intimate connexion with the question of revenue, is that which makes provision for a suitable fiscal agent, capable of adding increased facilities in the collection and disbursement of the public revenues, rendering more secure their custody, and consulting a true economy in the great, multiplied, and delicate operations of the treasury department. Upon such an agent depends, in an eminent degree, the establishment of a currency of uniform value, which is of so great importance to all the essential interests of society, and on the wisdom to be manifested in its creation much depends. So intimately interwoven are its operations, not only with the interests of individuals, but of states, that it may be regarded as controlling both. If paper be used as the chief medium of circulation, and the power be vested in the government of issuing it at pleasure, either in the form of treasury-drafts or any other; or, if banks be used as the public depositories, with liberty to regard all surpluses from day to day as so much added to their active capital, prices are exposed to constant fluctuations, and industry to severe suffering. In the one case, political considerations directed to party purposes may control, while excessive cupidity may prevail on the other. The public is thus constantly liable to imposition. Expansions and contractions may follow each other in rapid succession—the one engendering a reckless spirit of adventure and speculation, which embraces states as well as individuals—the other causing a fall in prices, and accomplishing an entire change in the aspect of affairs. Stocks of all sorts rapidly decline, individuals are ruined, and states embarrassed—even in their efforts to meet with punctuality the interest on their debts. Such, unhappily, is the condition of things now existing in the United States. These effects may readily be traced to the causes above referred to. The public revenues being removed from the then bank of the United States, under an order of a late president, were placed in selected state banks, which, actuated by the double motive of conciliating the government and augmenting their profits to the greatest possible extent, enlarged extravagantly their discounts, thus enabling all existing banks to do the same; large dividends were declared, which, stimulating the cupidity of capitalists, caused a rush to be made to the legislatures of the respective states for similar acts of incorporation, which, by many of the states, under a temporary infatuation, were readily granted; and thus the augmentation of the circulating medium, consisting almost exclusively of paper, produced a most fatal delusion. An illustration, derived from the land-sales of the period alluded to, will serve best to show the effect of the whole system. The average sales of the public lands for a period of ten years prior to 1834, had not much exceeded two millions of dollars per annum. In 1834, they attained, in round numbers, to the amount of six millions of dollars;

in the succeeding year, of 1835, they reached sixteen millions of dollars; and the next year, of 1836, they amounted to the enormous sum of twenty-five millions of dollars—thus crowding into the short space of three years upward of seventy-three years' purchase of the public domain. So apparent had become the necessity of arresting this course of things, that the executive department assumed the highly questionable power of discriminating in the funds to be used in payment by different classes of public debtors—a discrimination which was doubtlessly designed to correct this most ruinous state of things, by the exaction of specie in all payments for the public lands, but which could not at once arrest the tide which had so strongly set in. Hence the demands for specie became unceasing, and corresponding prostration rapidly ensued under the necessities created with the banks to curtail their discounts, and thereby to reduce their circulation. I recur to these things with no disposition to censure pre-existing administrations of the government, but simply in exemplification of the truth of the position which I have assumed. If, then, any fiscal agent which may be created, shall be placed, without due restrictions, either in the hands of the administrators of the government, or those of private individuals, the temptation to abuse will prove to be resistless. Objects of political aggrandizement may seduce the first, and the promptings of a boundless cupidity will assail the last. Aided by the experience of the past, it will be the pleasure of Congress so to guard and fortify the public interests, in the creation of any new agent, as to place them, so far as human wisdom can accomplish it, on a footing of perfect security. Within a few years past three different schemes have been before the country. The charter of the bank of the United States expired by its own limitation in 1836; an effort was made to renew it, which received the sanction of the two houses of Congress, but the then president of the United States exercised his *veto* power, and the measure was defeated.

A regard for the truth requires me to say, that the president was fully sustained in the course he had taken by the popular voice. His successor to the chair of state unqualifiedly pronounced his opposition to any new charter of a similar institution; and not only the popular election which brought him into power, but the elections through much of his term, seemed clearly to indicate a concurrence with him in sentiment on the part of the people. After the public moneys were withdrawn from the United States bank, they were placed in deposite with the state banks, and the result of that policy has been before the country. To say nothing as to the question whether that experiment was made under propitious or adverse circumstances, it may safely be asserted that it did receive the unqualified condemnation of most of its early advocates, and it is believed was condemned by the popular sentiment. The existing sub-treasury system does not seem to stand in higher favor with the people, but has recently been condemned in a manner too plainly indicated to admit of a doubt. Thus, in the short period of eight years, the popular voice may be regarded as having successively condemned each of the three schemes of finance to which I have adverted. As to the first, it was introduced at a time (1816) when the state banks, then comparatively few in number, had been forced to suspend specie payment by reason of the war which had previously prevailed with Great Britain. Whether, if the United States bank charter, which expired in 1811, had been renewed in due season, it would have been enabled to continue specie payment during the war, and the disastrous period to the commerce of the country which immediately succeeded, is,

to say the least, problematical; and, whether the United States bank of 1816 produced a restoration of specie payments, or the same was accomplished through the instrumentality of other means, was a matter of some difficulty at that time to determine: certain it is, that for the first years of the operations of that bank, its course was as disastrous as, for the greater part of its subsequent career, it became eminently successful. As to the second, the experiment was tried with a redundant treasury, which continued to increase until it seemed to be the part of wisdom to distribute the surplus revenue among the states—which, operating at the same time with the specie circular, and the causes before adverted to, caused them to suspend specie payments, and involve the country in the greatest embarrassment. And as to the third, if carried through all the stages of its transmutation, from paper and specie to nothing but the precious metals, to say nothing of the insecurity of the public moneys, its injurious effects have been anticipated by the country in its unqualified condemnation. What is now to be regarded as the judgment of the American people on this whole subject, I have no accurate means of determining but by appealing to their more immediate representatives. The late contest, which terminated in the election of General Harrison to the presidency, was decided on principles well known and openly declared; and while the sub-treasury received in the result the most decided condemnation, yet no other scheme of finance seemed to have been concurred in.

To you, then, who have come more directly from the body of our common constituents, I submit the entire question, as best qualified to give a full exposition of their wishes and opinions. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may, in my view of it, conflict with the constitution, or otherwise jeopard the prosperity of the country—a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

I can not avoid recurring, in connexion with this subject, to the necessity which exists for adopting some suitable measure whereby the unlimited creation of banks by the states may be corrected in future. Such result can be most readily achieved by the consent of the states, to be expressed in the form of a compact among themselves, which they can only enter into with the consent and approbation of this government—a consent which might, in the present emergency of the public demands, justifiably be given by Congress in advance of any action by the states, as an inducement to such action upon terms well defined by the act of tender. Such a measure, addressing itself to the calm reflection of the states, would find in the experience of the past, and the condition of the present, much to sustain it; and it is greatly to be doubted whether any scheme of finance can prove for any length of time successful, while the states shall continue in the unrestrained power of creating banking corporations. This power can only be limited by their consent.

With the adoption of a financial agency of a satisfactory character, the hope may be indulged that the country may once more return to a state of prosperity: measures auxiliary thereto, and in some measure inseparably connected with its success, will doubtless claim the attention of Congress. Among such, a distribution of the proceeds of the sales of the public lands, provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burdens than those contemplated by the

act of 1833, would act as an efficient remedial measure, by being brought directly in aid of the states. As one sincerely devoted to the task of preserving a just balance in our system of government by the maintenance of the states in a condition the most free and respectable, and in the full possession of all their power, I can no otherwise than feel desirous for their emancipation from the situation to which the pressure on their finances now subjects them. And while I must repudiate, as a measure founded in error, and wanting constitutional sanction, the slightest approach to an assumption by this government of the debts of the states, yet I can see, in the distribution adverted to, much to recommend it.

The compacts between the proprietor-states and this government expressly guaranty to the states all the benefits which may arise from the sales. The mode by which this is to be effected addresses itself to the discretion of Congress as the trustee for the states, and its exercise, after the most beneficial manner, is restrained by nothing in the grants, or in the constitution, so long as Congress shall consult that equality in the distribution which the compacts require. In the present condition of some of the states, the question of distribution may be regarded as substantially a question between direct and indirect taxation. If the distribution be not made in some form or other, the necessity will daily become more urgent with the debtor states for a resort to an oppressive system of direct taxation, or their credit, and necessarily their power and influence, will be greatly diminished. The payment of taxes, after the most inconvenient and oppressive mode, will be exacted in place of contributions for the most part voluntarily made, and therefore comparatively unoppressive. The states are emphatically the constituents of this government, and we should be entirely regardless of the objects held in view by them, in the creation of this government, if we could be indifferent to their good. The happy effects of such a measure upon all the states, would be immediately manifested. With the debtor states it would effect the relief, to a great extent, of the citizens, from a heavy burden of direct taxation which presses severely on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the state securities, and the attitude of the states would become once more, as it should ever be, lofty and erect. With states laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree. So far as this government is concerned, appropriations to domestic objects approaching in amount the revenue derived from the land-sales might be abandoned, and thus a system of unequal and therefore unjust legislation would be substituted by one dispensing equality to all the members of this confederacy. Whether such distribution should be made directly to the states in the proceeds of the sales, or in the form of profits by virtue of the operations of any fiscal agency having those proceeds as its basis, should such measure be contemplated by Congress, would well deserve its consideration. Nor would such disposition of the proceeds of the sales, in any manner, prevent Congress from time to time from passing all necessary pre-emption laws for the benefit of actual settlers, or from making any new arrangement as to the price of the public lands which might in future be esteemed desirable.

I beg leave particularly to call your attention to the accompanying report from the secretary of war. Besides the present state of the war which has so long afflicted the territory of Florida, and the various other matters

of interest therein referred to, you will learn from it that the secretary has instituted an inquiry into abuses, which promises to develop gross enormities in connexion with Indian treaties which have been negotiated, as well as in the expenditures for the removal and subsistence of the Indians. He represents also other irregularities of a serious nature that have grown up in the practice of the Indian department, which will require the appropriation of upward of two hundred thousand dollars to correct, and which claim the immediate attention of Congress.

In reflecting on the proper means of defending the country, we can not shut our eyes to the consequences which the introduction and use of the power of steam upon the ocean are likely to produce in wars between maritime states. We can not yet see the extent to which this power may be applied in belligerent operations, connecting itself as it does with recent improvements in the science of gunnery and projectiles; but we need have no fear of being left, in regard to these things, behind the most active and skilful of other nations, if the genius and enterprise of our fellow-citizens receive proper encouragement and direction from government.

True wisdom would nevertheless seem to dictate the necessity of placing in perfect condition those fortifications which are designed for the protection of our principal cities and roadsteads. For the defence of our extended maritime coast, our chief reliance should be placed on our navy, aided by those inventions which are destined to recommend themselves to public adoption; but no time should be lost in placing our principal cities on the seaboard and the lakes in a state of entire security from foreign assault. Separated as we are from the countries of the Old World, and in much unaffected by their policy, we are happily relieved from the necessity of maintaining large standing armies in times of peace. The policy which was adopted by Mr. Monroe, shortly after the conclusion of the late war with Great Britain, of preserving a regularly-organized staff, sufficient for the command of a large military force, should the necessity for one arise, is founded as well in economy as in true wisdom. Provision is thus made, upon filling up the rank and file, which can readily be done on any emergency, for the introduction of a system of discipline, both promptly and efficiently. All that is required in time of peace is to maintain a sufficient number of men to guard our fortifications, to meet any sudden contingency, and to encounter the first shock of war. Our chief reliance must be placed on the militia; they constitute the great body of national guards, and inspired by an ardent love of country, will be found ready at all times, and at all seasons, to repair with alacrity to its defence. It will be regarded by Congress, I doubt not, at a suitable time, as one of its highest duties to attend to their complete organization and discipline.

The state of the navy pension-fund requires the immediate attention of Congress. By the operation of the act of the 3d of March, 1837, entitled "An act for the more equitable administration of the navy pension-fund," that fund has been exhausted. It will be seen from the accompanying report of the commissioner of pensions, that there will be required, for the payment of navy pensions, on the first of July next, eighty-four thousand, and six dollars, six cents, and, on the first of January, 1842, the sum of sixty thousand dollars. In addition to these sums, about six thousand dollars will be required to pay the arrears of pensions, which will probably be allowed between the first of July and the first of January, 1842, making in the whole one hundred and fifty thousand, and six dollars, six and one third cents. To meet these payments there is, within

the control of the department, the sum of twenty-eight thousand and forty dollars, leaving a deficiency of one hundred and twenty-one thousand, nine hundred and sixty-six dollars, six and one third cents. The public faith requires that immediate provision should be made for the payment of these sums.

In order to introduce into the navy a desirable efficiency, a new system of accountability may be found to be indispensably necessary. To mature a plan having for its object the accomplishment of an end so important, and to meet the just expectations of the country, requires more time than has yet been allowed to the secretary at the head of the department. The hope is indulged that, by the time of your next regular session, measures of importance in connexion with this branch of the public service may be matured for your consideration.

Although the laws regulating the postoffice department only require from the officer charged with its direction to report at the usual annual session of Congress, the postmaster-general has presented to me some facts connected with the financial condition of the department, which are deemed worthy the attention of Congress. By the accompanying report of that officer, it appears that the existing liabilities of that department, beyond the means of payment at its command, can not be less than five hundred thousand dollars. As the laws organizing that branch of the public service confine the expenditure to its own revenues, deficiencies therein can not be presented under the usual estimate for the expenses of government. It must, therefore, be left to Congress to determine whether the moneys now due to contractors shall be paid from the public treasury, or whether that department shall continue under its present embarrassments. It will be seen by the report of the postmaster-general, that the recent lettings of contracts in several of the states have been made at such reduced rates of compensation, as to encourage the belief that, if the department was relieved from existing difficulties, its future operations might be conducted without any further call upon the general treasury.

The power of appointing to office is one of a character the most delicate and responsible. The appointing power is evermore exposed to be led into error: with anxious solicitude to select the most trustworthy for official station, I can not be supposed to possess a personal knowledge of the qualifications of every applicant. I deem it therefore proper in this most public manner, to invite on the part of the senate a just scrutiny into the character and pretensions of every person whom I may bring to their notice in the regular form of a nomination for office. Unless persons every way trustworthy are employed in the public service, corruption and irregularity will inevitably follow. I shall with the greatest cheerfulness acquiesce in the decision of that body; and regarding it as wisely constituted to aid the executive department in the performance of this delicate duty, I shall look to its "consent and advice" as given only in furtherance of the best interests of the country. I shall also, at the earliest proper occasion, invite the attention of Congress to such measures as, in my judgment, will be best calculated to regulate and control the executive power in reference to this vitally-important subject.

I shall also, at the proper season, invite your attention to the statutory enactments for the suppression of the slave-trade, which may require to be rendered more efficient in their provisions. There is reason to believe that the traffic is on the increase. Whether such increase is to be ascribed to the abolition of slave-labor in the British possessions in our vicinity, and

an attendant diminution in the supply of those articles which enter into the general consumption of the world, thereby augmenting the demand from other quarters, and thus calling for additional labor, it were needless to inquire. The highest considerations of public honor, as well as the strongest promptings of humanity, require a resort to the most vigorous efforts to suppress the trade.

In conclusion, I beg to invite your particular attention to the interests of this district; nor do I doubt but that in a liberal spirit of legislation you will seek to advance its commercial as well as its local interests. Should Congress deem it to be its duty to repeal the existing sub-treasury law, the necessity of providing a suitable place of deposite for the public moneys which may be required within the district, must be apparent to all.

I have felt it due to the country to present the foregoing topics to your consideration and reflection. Others with which it might not seem proper to trouble you at an extraordinary session, will be laid before you at a future day. I am happy in committing the important affairs of the country into your hands. The tendency of public sentiment, I am pleased to believe, is toward the adoption, in a spirit of union and harmony, of such measures as will fortify the public interests. To cherish such a tendency of public opinion is the task of an elevated patriotism. That differences of opinion as to the means of accomplishing these desirable objects should exist, is reasonably to be expected. Nor can all be made satisfied with any system of measures; but I flatter myself with the hope that the great body of the people will readily unite in support of those whose efforts spring from a disinterested desire to promote their happiness—to preserve the federal and state governments within their respective orbits—to cultivate peace with all the nations of the earth on just and honorable grounds—to exact obedience to the laws—to entrench liberty and property in full security—and, consulting the most rigid economy, to abolish all useless expenses.

SPECIAL MESSAGE.

JUNE 22, 1841.

To the Senate and House of Representatives of the United States:—

I HAVE the honor to submit the accompanying correspondence between myself and the honorable J. Burnet, J. C. Wright, and others, who arrived some days ago in this city, as a committee on behalf of the people of Cincinnati for the purpose, with the assent of the family, of removing the remains of the late president of the United States to North Bend, for interment. I have thought it to be my duty thus to apprize Congress of the contemplated proceedings.

SPECIAL MESSAGE.

JULY 1, 1841.

To the House of Representatives of the United States:—

THE accompanying memorial in favor of the passage of a bankrupt law, signed by nearly three thousand of the inhabitants of the city of New York, has been forwarded to me, attended by a request that I would submit it to the consideration of Congress. I can not waive a compliance with a request upon me by so large and respectable a number of my fellow-citizens. That a bankrupt law, carefully guarded against fraudulent practices, and embracing, as far as practicable, all classes of society—the failure to do which has heretofore constituted a prominent objection to the measure—would afford extensive relief, I do not doubt. The distress incident to the derangement of some years past has visited large numbers of our fellow-citizens with hopeless insolvency, whose energies, both mental and physical, by reason of the load of debt pressing upon them, are lost to the country. Whether Congress shall deem it proper to enter upon the consideration of this subject at its present extraordinary session, it will doubtless wisely determine. I have fulfilled my duty to the memorialists in submitting their petition to your consideration.

SPECIAL MESSAGE.

AUGUST 2, 1841.

To the House of Representatives of the United States:—

ON the 18th of February, 1832, the house of representatives adopted a resolution in the following words: "*Resolved*, That the president of the United States be authorized to employ Horatio Greenough, of Massachusetts, to execute in marble a full-length pedestrian statue of Washington, to be placed in the centre of the rotunda of the capitol; the head to be a copy of Houdon's Washington, and the accessories to be left to the judgment of the artist."

On the 23d of the same month, the secretary of state, by direction of the president, addressed to Mr. Greenough a letter of instructions for carrying into effect the resolution of the house.

On the 14th of July, 1832, an appropriation of the sum of five thousand dollars was made, "to enable the president of the United States to contract with a skilful artist to execute in marble a pedestrian statue of George Washington, to be placed in the centre of the rotunda of the capitol:" and several appropriations were made at the succeeding sessions in furtherance of the same object.

Mr. Greenough, having been employed upon the work for several years at Florence, completed it some months ago.

By a resolution of Congress, of the 27th of May, 1840, it was directed "that the secretary of the navy be authorized and instructed to take measures for the importation and erection of the statue of Washington by Greenough." In pursuance of this authority, the navy department held a correspondence with Commodore Hull, commanding on the Mediterranean sta-

tion, who entered into an agreement with the owners or masters of the ship "Sea," for the transportation of the statue to the United States. This ship, with the statue on board, arrived in this city on the 31st ultimo, and now lies at the navy-yard.

As appropriations have become necessary for the payment of freight and other expenses, I communicate to Congress such papers as may enable it to judge of the amount required.

FIRST BANK VETO.

August 16, 1841.

To the Senate of the United States:—

The bill entitled, "An act to incorporate the subscribers to the fiscal bank of the United States," which originated in the senate, has been considered by me, with a sincere desire to conform my action in regard to it, to that of the two houses of Congress. By the constitution it is made my duty either to approve the bill by signing it, or to return it with my objections to the house in which it originated. I can not conscientiously give it my approval, and I proceed to discharge the duty required of me by the constitution—to give my reasons for disapproving.

The power of Congress to create a national bank to operate *per se* over the Union, has been a question of dispute from the origin of our government. Men most justly and deservedly esteemed for their high intellectual endowments, their virtue, and their patriotism, have in regard to it entertained different and conflicting opinions. Congresses have differed. The approval of one president has been followed by the disapproval of another. The people at different times have acquiesced in decisions both for and against. The country has been and still is deeply agitated by this unsettled question. It will suffice for me to say, that my own opinion has been uniformly proclaimed against the exercise of any such power by this government. On all suitable occasions, during a period of twenty-five years, the opinion thus entertained has been unreservedly expressed. I declared it in the legislature of my native state. In the house of representatives of the United States it has been openly vindicated by me.

In the senate-chamber, in the presence and hearing of many who are at this time members of that body, it has been affirmed and reaffirmed, in speeches and reports there made, and by votes there recorded. In popular assemblies I have unhesitatingly announced it; and the last public declaration which I made, and that but a short time before the late presidential election, I referred to my previously-expressed opinions as being those then entertained by me. With a full knowledge of the opinions thus entertained, and never concealed, I was elected by the people vice-president of the United States. By the occurrence of a contingency provided for by the constitution, and arising under an impressive dispensation of Providence, I succeeded to the presidential office. Before entering upon the duties of that office, I took an oath that I would "preserve, protect, and defend the constitution of the United States."

Entertaining the opinions alluded to, and having taken this oath, the senate and the country will see that I could not give my sanction to a measure

of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people—all self-respect—all regard for moral and religious obligations ; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime which I would not wilfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.

I deem it entirely unnecessary at this time to enter upon the reasons which have brought my mind to the conviction I feel and entertain on this subject. They have been over and over again repeated. If some of those who have preceded me in this high office have entertained and avowed different opinions, I yield all confidence that their convictions were sincere. I claim only to have the same measure meted out to myself. Without going further into the argument, I will say that, in looking to the powers of this government to collect, safely keep, and disburse the public revenue, and incidentally to regulate the commerce and exchanges, I have not been able to satisfy myself that the establishment, by this government, of a bank of discount, in the ordinary acceptation of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of a bank have to do with the collecting, safekeeping, and disbursing of the revenue ?

So far as the mere discounting of paper is concerned, it is quite immaterial to this question whether the discount is obtained at a state bank or a United States bank.

They are both equally local—both beginning and both ending in a local accommodation. What influence have local discounts, granted by any form of bank, in the regulating of the currency and the exchanges? Let the history of the late United States bank aid us in answering this inquiry.

For several years after the establishment of that institution, it dealt almost exclusively in local discounts, and during that period the country was, for the most part, disappointed in the consequences anticipated from its incorporation. A uniform currency was not provided, exchanges were not regulated, and little or nothing was added to the general circulation ; and in 1820 its embarrassments had become so great, that the directors petitioned Congress to repeal that article of the charter which made its notes receivable everywhere, in payment of public dues.

It had, up to that period, dealt to but a very small extent in exchanges, either foreign or domestic ; and as late as 1823, its operations in that line amounted to a little more than seven millions of dollars per annum ; a very rapid augmentation soon after occurred, and in 1833 its dealings in the exchanges amounted to upward of one hundred millions of dollars, including the sales of its own drafts ; and all these immense transactions were effected without the employment of extraordinary means. The currency of the country became sound, and the negotiations in the exchanges were carried on at the lowest possible rates.

The circulation was increased to more than twenty-two millions of dollars, and the notes of the bank were regarded as equal to specie all over the country : thus showing, almost conclusively, that it was the capacity of the bank to deal in exchanges, and not in local discounts, which furnished these facilities and advantages. It may be remarked, too, that, notwithstanding the immense transactions of the bank in the purchase of exchanges, the losses sustained were merely nominal ; while in the line of discounts, the sus-

pended debt was enormous, and proved most disastrous to the bank and the country. Its power of local discount has, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive to the public morals and to the general weal.

The capital invested in banks of discount in the United States, created by the states, at this time exceeds three hundred and fifty millions of dollars; and if the discounting of local paper could have produced any beneficial effects, the United States ought to possess the soundest currency in the world; but the reverse is lamentably the fact.

Is the measure now under consideration of the objectionable character to which I have alluded? It is clearly so, unless by the sixteenth fundamental article of the eleventh section it is made otherwise. That article is in the following words:—

"The directors of the said corporation shall establish one competent office of discount and deposite in any state in which two thousand shares shall have been subscribed or may be held, whenever, upon application of the legislature of such state, Congress may by law require the same. And the said directors may also establish one or more competent offices of discount and deposite in any territory or district of the United States, and in any state, with the assent of such state; and when established, the said office or offices shall be only withdrawn or removed by the said directors, prior to the expiration of this charter, with the previous assent of Congress. Provided, in respect to any state which shall not, at the first session of the legislature thereof, held after the passage of this act, by resolution, or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of the said state shall be thereafter presumed; and provided, nevertheless, that whenever it shall become necessary and proper, for carrying into execution any of the powers granted by the constitution, to establish an office or offices in any of the states whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly."

It will be seen, that by this clause the directors are invested with the fullest power to establish a branch in any state which has yielded its assent, and having once established such branch, it shall not afterward be withdrawn, except by order of Congress. Such assent is to be implied, and to have the force and sanction of an actually-expressed assent. "provided, in respect to any state which shall not, at the first session of the legislature thereof held after the passage of this act, by resolution or other usual legislative proceeding, unconditionally assent or dissent to the establishment of office or offices within it, such assent of said state shall be thereafter presumed." The assent or dissent is to be expressed unconditionally, at the first session of the legislature, by some formal legislative act; and if not so expressed, its assent is to be implied, and the directors are thereupon invested with power, at such time thereafter as they may please to establish branches, which can not afterward be withdrawn except by resolve of Congress—no matter what may be the cause which may operate with the legislature, which either prevents it from speaking, or addresses itself to its wisdom to induce delay, its assent is to be implied. This iron rule is to give way to no circumstances—it is unbending and inflexible. It is the language of the master to the vassal, an unconditional answer is claimed forthwith, and delay, postponement, or incapacity to answer, produces an implied assent, which is ever after irrevocable.

Many of the state elections have already taken place, without any knowledge on the part of the people that such a question was to come up. The representatives may desire a submission of the question to their constituents, preparatory to final action upon it, but this high privilege is denied: whatever may be the motives and views entertained by the representatives of the people, to induce delay, their assent is to be presumed, and is ever afterward binding, unless their assent shall be unconditionally expressed at their first session after the passage of this bill into a law.

They may by formal resolution declare the question of assent or dissent to be undecided and postponed, and yet, in opposition to their express declaration to the contrary, their assent is to be implied. Cases innumerable might be cited to manifest the irrationality of such an inference. Let one or two in addition suffice—the popular branch of the legislature may express its dissent by a unanimous vote, and its resolution may be defeated by a tie vote of the senate; and yet the assent is to be implied. Both branches of the legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power conferred on him by the state constitution, and their legislative action be defeated: and yet the assent of the legislative authority is implied, and the directors of this contemplated institution are authorized to establish a branch or branches in such state whenever they may find it conducive to the interest of the stockholders to do so; and having once established it, they can, under no circumstances, withdraw it, except by act of Congress.

The state may afterward protest against such unjust inference—but its authority is gone. Its assent is implied by its failure or inability to act at its first session, and its voice can never afterward be heard. To inferences so violent, and, as they seem to me, irrational, I can not yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with the fact, and inferences at the expense of reasoning. A state in a condition of duress would be presumed to speak, as an individual manacled and imprisoned might be presumed to be in the enjoyment of freedom. Far better to say to the states boldly and frankly —Congress wills, and submission is demanded.

It may be said that the directors may not establish branches under such circumstances; but this is a question of power, and this bill invests them with full authority to do so. If the legislature of New York, or Pennsylvania, or any other state, should be found to be in such condition as I have supposed, could there be any security furnished against such a step on the part of the directors? Nay, is it not fairly to be presumed that this proviso was introduced for the sole purpose of meeting the contingency referred to? Why else should it have been introduced?

And I submit to the senate, whether it can be believed, that any state would be likely to sit quietly down under such a state of things? In a great measure of public interest, their patriotism may be successfully appealed to; but to infer their assent from circumstances at war with such inference, I can not but regard as calculated to excite a feeling at fatal enmity with the peace and harmony of the country. I must therefore regard this clause as asserting the power to be in Congress to establish offices of discount in a state, not only without its assent, but against its dissent; and so regarding it, I can not sanction it.

On general principles, the right in Congress to prescribe terms to any state, implies a superiority of power and control, deprives the transaction

of all pretence to compact between them, and terminates, as we have seen, in the total abrogation of freedom of action on the part of the states. But further; the state may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which to such state will appear to rest on a constructive necessity and propriety, and nothing more.

I regard the bill as asserting for Congress the right to incorporate a United States bank, with power and right to establish offices of discount and deposite in the several states of this Union, with or without their consent, a principle to which I have always heretofore been opposed, and which can never obtain my sanction. And waiving all the other considerations growing out of its other provisions, I return it to the house in which it originated, with these my objections to its approval.

SECOND BANK VETO.

SEPTEMBER 9, 1840.

To the House of Representatives of the United States :—

IT is with extreme regret that I feel myself constrained by the duty faithfully to execute the office of president of the United States, and, to the best of my ability, "to preserve, protect, and defend, the constitution of the United States," to return to the house in which it originated, the bill "to provide for the better collection, safekeeping, and disbursement of the public revenue, by means of a corporation to be styled the fiscal corporation of the United States," with my written objections.

In my message sent to the senate on the 16th day of August last, returning the bill "to incorporate the subscribers to the fiscal bank of the United States," I distinctly declared that "my own opinion has been uniformly proclaimed to be against the exercise of the power of Congress to create a national bank to operate *per se* over the Union," and entertaining that opinion, my main objection to that bill was based upon the highest moral and religious obligations of conscience and the constitution.

I readily admit, that, while the qualified *veto* with which the chief magistrate is invested should be regarded, and was intended by the wise men who made it a part of the constitution, as a great conservative principle of our system, without the exercise of which, on important occasions, a mere representative majority might urge the government, in its legislation, beyond the limits fixed by its framers, or might exert its just powers too hastily or oppressively, yet it is a power which ought to be most cautiously exerted, and perhaps never, except in a case eminently involving the public interest, or one in which the oath of the president, acting under his convictions, both mental and moral, imperiously requires its exercise. In such a case he has no alternative. He must either exert the negative power intrusted to him by the constitution, chiefly for its own preservation, protection, and defence, or commit an act of gross moral turpitude. Mere regard to the will of a majority must not, in a constitu-

tional republic like ours, control this sacred and solemn duty of a sworn officer.

The constitution itself I regard and cherish as the imbodied and written will of the whole people of the United States. It is their fixed and fundamental law, which they unanimously prescribe to the public functionaries, their mere trustees and servants. This their will, and the law which they have given us as the rule of our action, has no guard, no guarantee of preservation, protection, and defence, but the oaths which it prescribes to the public officers, the sanctity with which they shall religiously observe those oaths, and the patriotism with which the people shall shield it by their own sovereign will, which has made the constitution supreme. It must be exerted against the will of a mere representative majority or not at all. It is alone in pursuance of that will that any measure can reach the president; and to say that because a majority in Congress have passed a bill, the president should therefore sanction it, is to abrogate the power altogether, and to render its insertion in the constitution a work of absolute supererogation. The duty is to guard the fundamental will of the people themselves from—in this case I admit unintentional—change or infraction by a majority in Congress; and in that light alone do I regard the constitutional duty which I now most reluctantly discharge.

Is this bill, now presented for my approval or disapproval, such a bill as I have already declared could not receive my sanction? Is it such a bill as calls for the exercise of the negative power under the constitution? Does it violate the constitution by creating a national bank, to operate *per se* over the Union? Its title, in the first place, describes its general character. It is "An act to provide for the better collection, safekeeping, and disbursement of the *public* revenue by means of a *corporation*, to be styled the *fiscal corporation* of the *United States*." In style, then, it is plainly national in its character. Its powers, functions, and duties, are those which pertain to the *collecting*, *keeping*, and *disbursing*, the public revenue. The means by which these are to be exerted, is a *corporation*, to be styled the *fiscal* corporation of the United States. It is a corporation created by the Congress of the United States, in its character of a national legislature for the whole Union, to perform the *fiscal* purposes, meet the *fiscal* wants and exigencies, supply the *fiscal* uses, and exert the *fiscal* agencies of the treasury of the United States.

Such is its own description of itself. Do its provisions contradict its title? They do not. It is true, that by its first section it provides that it shall be established in the District of Columbia; but the amount of its capital—the manner in which its stock is to be subscribed for and held—the persons and bodies corporate and politic by whom its stock may be held—the appointment of its directors, and their powers and duties—its fundamental articles, especially that to establish agencies in any part of the Union—the corporate powers and business of such agencies—the prohibition of Congress to establish any other corporation, with similar powers, for twenty years, with express reservation, in the same clause, to modify or create any bank in the District of Columbia, so that the aggregate capital shall not exceed five millions—without enumerating other features which are equally distinctive and characteristic—clearly show that it can not be regarded as other than a bank of the United States, with powers seemingly more limited than have heretofore been granted to such an institution.

It operates *per se* over the Union, by virtue of the unaided, and, in my

view, assumed authority of Congress as a national legislature, as distinguishable from a bank created by Congress for the District of Columbia, as the local legislature of the district. Every United States bank heretofore created, has had power to deal in bills of exchange as well as local discounts. Both were trading privileges conferred, and both were exercised by virtue of the aforesaid power of Congress, over the whole Union. The question of power remains unchanged without reference to the extent of privilege granted. If this proposed corporation is to be regarded as a local bank of the District of Columbia, invested by Congress with general powers to operate over the Union, it is obnoxious to still stronger objections. It assumes that Congress may invest a local institution with general or national powers. With the same propriety that it may do this in regard to a bank of the District of Columbia, it may as to a state bank. Yet, who can indulge the idea that this government can rightfully, by making a state bank its fiscal agent, invest it with the absolute and unqualified powers conferred by this bill? When I come to look at the details of the bill, they do not recommend it strongly to my adoption. A brief notice of some of its provisions will suffice.

1. It may justify substantially a system of discounts of the most objectionable character. It is to deal in bills of exchange drawn in one state and payable in another, without any restraint. The bill of exchange may have an unlimited term to run, and its renewality is nowhere guarded against. It may in fact, assume the most objectionable form of accommodation. It is not required to rest on any actual, real, or substantial exchange basis. A drawer in one place becomes the acceptor in another, and so in turn the acceptor may become the drawer upon a mutual understanding. It may at the same time indulge in mere local discounts under the name of bills of exchange. A bill drawn at Philadelphia on Camden, New Jersey—at New York on a border town in New Jersey—at Cincinnati on Newport, Kentucky, not to multiply other examples—might, for anything in this bill to restrain it, become a mere matter of local accommodation. Cities thus relatively situated would possess advantages over cities otherwise situated of so decided a character, as most justly to excite dissatisfaction.

2. There is no limit prescribed to the premium in the purchase of bills of exchange, thereby correcting none of the evils under which the community now labors, and operating most injuriously upon the agricultural states, in which the inequalities in the rates of exchange are more severely felt Nor are these the only consequences. A resumption of specie payments by the banks of those states would be liable to indefinite postponement; for, as the operation of the agencies of the interior would chiefly consist in selling bills of exchange, and the purchases could only be made in specie or the notes of banks paying specie, the state banks would either have to continue with their doors closed, or exist at the mercy of this national monopoly of brokerage. Nor can it be passed over without remark, that while the District of Columbia is made the seat of the principal bank, its citizens are excluded from all participation in any benefit it might afford, by a positive prohibition on the bank from all discounting within the district.

These are some of the objections which prominently exist against the details of the bill; others might be urged of much force, but it would be unprofitable to dwell upon them: suffice it to add, that this charter is designed to continue for twenty years without a competitor; that the defects

to which I have alluded, being founded on the fundamental law of the corporation, are irrevocable; and that if the objections be well founded, it would be over-hazardous to pass the bill into a law.

In conclusion, I take leave most respectfully to say that I have felt the most anxious solicitude to meet the wishes of Congress in the adoption of a fiscal agent, which, avoiding all constitutional objections, should harmonize conflicting opinions. Actuated by this feeling, I have been ready to yield much, in a spirit of conciliation, to the opinions of others. And it is with great pain that I now feel compelled to differ from Congress a second time in the same session. At the commencement of this session, inclined from choice to defer to the legislative will, I submitted to Congress the propriety of adopting a fiscal agent which, without violating the constitution, would separate the public money from the executive control, and perform the operations of the treasury without being burdensome to the people, or inconvenient or expensive to the government. It is deeply to be regretted that this department of the government can not, upon constitutional and other grounds, concur with the legislative department in this last measure proposed to attain these desirable objects. Owing to the brief space between the period of the death of my lamented predecessor and my own installation into office, I was, in fact, not left time to prepare and submit a definite recommendation of my own in my regular message; and since, my mind has been wholly occupied in a most anxious attempt to conform my action to the legislative will. In this communication I am confined by the constitution to my objections simply to this bill; but the period of the regular session will soon arrive, when it will be my duty, under another clause of the constitution, "to give to Congress information of the state of the Union, and recommend to their consideration such measures as" I "shall judge necessary and expedient." And I most respectfully submit, in a spirit of harmony, whether the present differences of opinion should be pressed further at this time, and whether the peculiarity of my situation does not entitle me to a postponement of this subject to a more auspicious period for deliberation. The two houses of Congress have distinguished themselves at this extraordinary session by the performance of an immense mass of labor, at a season very unfavorable both to health and action, and have passed many laws which I trust will prove highly beneficial to the interests of the country, and fully answer its just expectations. It has been my good fortune and pleasure to concur with them in all measures except this; and why should our difference on this alone be pushed to extremes? It is my anxious desire that it should not be. I, too, have been burdened with extraordinary labors of late, and I sincerely desire time for deep and deliberate reflection on this the greatest difficulty of my administration. May we not now pause until a more favorable time, when, with the most anxious hope that the executive and Congress may cordially unite, some measure of finance may be deliberately adopted, promotive of the good of our common country?

I will take this occasion to declare that the conclusions to which I have brought myself are those of a settled conviction, founded, in my opinion, on a just view of the constitution; that, in arriving at it, I have been actuated by no other motive or desire than to uphold the institutions of the country, as they have come down to us from the hands of our godlike ancestors; and that I shall esteem my efforts to sustain them, even though I perish, more honorable than to win the applause of men by a sacrifice of my duty and my conscience.

A PROCLAMATION.

SEPTEMBER 25, 1841.

WHEREAS, it has come to the government of the United States that sundry secret lodges, clubs, or associations, exist on the northern frontier; that the members of these lodges are bound together by secret oaths; that they have collected firearms and other military materials, and secreted them in sundry places; and that it is their purpose to violate the laws of their country by making military and lawless incursions, when opportunity shall offer, into the territories of a power with which the United States are at peace; and whereas, it is known that travelling agitators, from both sides of the line, visit these lodges, and harangue the members in secret meeting, stimulating them to illegal acts; and whereas, the same persons are known to levy contributions on the ignorant and credulous for their own benefit, thus supporting and enriching themselves by the basest means; and whereas, the unlawful intentions of the members of these lodges have already been manifested in an attempt to destroy the lives and property of the inhabitants of Chippewa, in Canada, and the public property of the British government there being: Now, therefore, I, John Tyler, president of the United States, do issue this my proclamation, admonishing all such evil-minded persons of the condign punishment which is certain to overtake them; assuring them that the laws of the United States will be rigorously executed against their illegal acts; and that if, in any lawless incursion into Canada, they fall into the hands of the British authorities, they will not be reclaimed as American citizens, nor any interference made by this government in their behalf.

I exhort all well-meaning but deluded persons who may have joined these lodges, immediately to abandon them, and to have nothing more to do with their secret meetings, or unlawful oaths, as they would avoid serious consequences to themselves. And I expect the intelligent and well-disposed members of the community to frown on all these unlawful combinations and illegal proceedings, and to assist the government in maintaining the peace of the country against the mischievous consequences of the acts of these violators of the law.

Given under my hand, at the city of Washington, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty-one, and of the independence of the United States the sixty-sixth.

FIRST ANNUAL MESSAGE.

DECEMBER 7, 1841.

To the Senate and House of Representatives of the United States:—

IN coming together, fellow-citizens, to enter again upon the discharge of the duties with which the people have charged us, severally, we find great occasion to rejoice in the general prosperity of the country. We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge, and improvement. Through

the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of the land with distress and mortality, yet, in general, the health of the people has been preserved; and we are called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so signally crowned the year with his goodness. If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in everything which promotes human and social happiness, let us ever remember our dependence, for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander M'Leod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the court, been regularly discharged.

Great Britain having made known to this government that the expedition which was fitted out from Canada for the destruction of the steamboat Caroline, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British government in Canada, and demanding the discharge of M'Leod upon the ground that, if engaged in that expedition, he did but fulfil the orders of his government, has thus been answered in the only way in which she could be answered by a government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as those of the United States, the only mode by which an individual, arraigned for a criminal offence, before the courts of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the courts of both countries.

If in Great Britain a power exists in the crown to cause to be entered a *nolle prosequi*, which is not the case with the executive power of the United States upon a prosecution pending in a state court; yet there, no more than here, can the chief executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge. The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other government. In cases of this kind, a government becomes politically responsible only when its tribunals of last resort are shown to have rendered unjust and injurious judgments in matters not doubtful. To the establishment and elucidation of this principle, no nation has lent its authority more efficiently than Great Britain. Alexander M'Leod having his option either to prosecute a writ of error from the decision of the supreme court of New York, which had been rendered upon his application for a discharge, to the supreme court of the United States, or to submit his case to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation; and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English government that the principles of justice will never fail to govern the enlightened decision of an American tribunal. I can not fail, however, to suggest to Congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and

at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the state to the federal judiciary. This government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the one and preserving the other. While just confidence is felt in the judiciary of the states, yet this government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under the organic law, by the states themselves.

In the month of September a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him up to the authorities of Upper Canada. His immediate discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was to have been expected from a nation with whom we are at peace, and which was not more due to the rights of the United States than to its own regard for justice. The correspondence which passed between the department of state, and the British envoy, Mr. Fox, and with the governor of Vermont, as soon as the facts had been made known to this department, are herewith communicated.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the Caroline steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy island in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two governments. This government can never concede to any foreign government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others. And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the Caroline was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat which this government would feel itself bound to prosecute, since he would have acted, not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a ques-

tion which, however settled, in no manner involves the higher consideretion of the violation of territorial sovereignty and jurisdiction. To recognise it as an admissible practice, that each government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority of either government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood toward those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two governments on this subject will, at a future day of your session, be submitted to your consideration; and, in the meantime, I can not but indulge the hope that the British government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit the correspondence which has recently taken place between the American minister at the court of St. James, Mr. Stevenson, and the minister of foreign affairs of that government, on the right claimed by that government to visit and detain vessels sailing under the American flag, and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this government to protect them against all improper and vexatious interruption. However desirous the United States may be for the suppression of the slave-trade, they can not consent to interpolations into the maritime code at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations can not be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, nor susceptible of misconstruction. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean; and if thus molested and detained, while pursuing honest voyages in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This government has manifested its repugnance to the slave-trade in a manner which can not be misunderstood. By its fundamental law, it prescribed limits in point of time to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most condign punishment. Many of the states composing this Union had made appeals to the civilized world for its suppression long before the moral sense of other nations had become shocked

by the iniquities of the traffic. Whether this government should now enter into treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that if the right to detain American ships on the high seas can be justified on the plea of a necessity for such detention, arising out of the existence of treaties between other nations, the same plea may be extended and enlarged by the new stipulations of new treaties, to which the United States may not be a party. This government will not cease to urge upon that of Great Britain full and ample remuneration for all losses, whether arising from detention or otherwise, to which American citizens have heretofore been or may hereafter be subjected, by the exercise of rights which this government can not recognise as legitimate and proper. Nor will I indulge a doubt but that the sense of justice of Great Britain will constrain her to make retribution for any wrong or loss which any American citizen, engaged in the prosecution of lawful commerce, may have experienced at the hand of her cruisers or other public authorities. This government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader from molestation and injury; but while the enterprising mariner, engaged in the pursuit of an honorable trade, is entitled to its protection, it will visit with condign punishment others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave-trade, and recommend all such alterations as may give to them greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston upon the subject, so interesting to several of the southern states, of the rice-duties, which resulted honorably to the justice of Great Britain and advantageously to the United States.

At the opening of the last annual session, the president informed Congress of the progress which had then been made in negotiating a convention between this government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say that little further advancement of the object has been accomplished since last year; but this is owing to circumstances no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute as early as possible. In the course of the session it is my hope to be able to announce some further degree of progress toward the accomplishment of this highly-desirable end.

The commission appointed by this government for the exploration and survey of the line of boundary separating the states of Maine and New Hampshire from the conterminous British provinces is, it is believed, about to close its field labors, and is expected soon to report the results of its examinations to the department of state. The report, when received, will be laid before Congress.

The failure on the part of Spain to pay with punctuality the interest due under the convention of 1834, for the settlement of claims between the two countries, has made it the duty of the executive to call the particular attention of that government to the subject. A disposition has been mani-

ested by it, which is believed to be entirely sincere, to fulfil its obligations, in this respect, so soon as its internal condition and the state of its finances will permit. An arrangement is in progress, from the result of which it is trusted that those of our citizens who have claims under the convention will, at no distant day, receive the stipulated payments.

A treaty of commerce and navigation with Belgium was concluded and signed at Washington on the 29th of March, 1840, and was duly sanctioned by the senate of the United States. The treaty was ratified by his Belgian majesty, but did not receive the approbation of the Belgian chambers within the time limited by its terms, and has therefore become void.

This occurrence assumes the graver aspect, from the consideration that, in 1833, a treaty negotiated between the two governments, and ratified on the part of the United States, failed to be ratified on the part of Belgium. The representative of that government at Washington informs the department of state that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late treaty by the legislature, and to express the regret of the king at the occurrence.

The joint commission under the convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors, but the final report of the commissioners of the United States has not been received. It is understood, however, that the meridian line, as traced by the commission, lies somewhat further east than the position hitherto generally assigned to it, and consequently includes in Texas some part of the territory which had been considered as belonging to the states of Louisiana and Arkansas.

The United States can not but take a deep interest in whatever relates to this young but growing republic. Settled principally by emigrants from the United States, we have the happiness to know that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness, and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States, and we can do no other than contemplate its further exemplification by a sister republic with the deepest interest.

Our relations with the independent states of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The incessant sanguinary conflicts in or between these countries are to be greatly deplored, as necessarily tending to dis able them from performing their duties as members of the community of nations, and rising to the destiny which the position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort thither for purposes of commercial intercourse, and as retarding reparation for wrongs already committed, some of which are by no means of recent date.

The failure of the congress of Ecuador to hold a session at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that republic, which was signed at Quito on the

13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body prior to its ratification by the Ecuadorian executive.

A convention which has been concluded witn the republic of Peru, providing for the settlement of certain claims of citizens of the United States upon the government of that republic, will be duly submitted to the senate.

The claims of our citizens against the Brazilian government, originating from captures and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that empire, that it is hoped the unequivocal tokens of the same spirit toward us, which an adjustment of the affairs referred to would afford, will be given without further avoidable delay.

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service have suffered toils and privations, and exhibited an energy which, in any other war, would have won for them unfading laurels. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly. Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the lands elsewhere allotted to them by the government; and a strong hope is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes we are enjoying the blessings of peace. Our duty, as well as our best interests, prompts us to observe, in all our intercourse with them, fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through the use of them alone can the untutored child of the forest be induced to listen to its teachings.

The secretary of state, on whom the acts of Congress have devolved the duty of directing the proceedings for the taking of the sixth census, or enumeration of the inhabitants of the United States, will report to the two houses the progress of that work. The enumeration of persons has been completed, and exhibits a grand total of seventeen millions, sixty-nine thousand, four hundred and fifty-three, making an increase over the census of 1830 of four millions, two hundred and two thousand, six hundred and forty-six inhabitants, and showing a gain in a ratio exceeding thirty-two and a half per cent. for the last ten years

From the report of the secretary of the treasury, you will be informed of the condition of the finances. The balance in the treasury on the first of January last, as stated in the report of the secretary of the treasury, submitted to Congress at the extra session, was nine hundred and eighty-seven thousand three hundred and forty-five dollars and three cents. The receipts into the treasury, during the first three quarters of this year, from all sources amount to twenty-three millions four hundred and sixty-seven thousand and fifty-two dollars and fifty-two cents. The estimated receipts for the fourth quarter amount to six millions nine hundred and forty-three thousand and ninety-five dollars and twenty-five cents, amounting to thirty millions four hundred and ten thousand one hundred and sixty-seven dol-

lars and seventy-seven cents; and making with the balance in the treasury, on the 1st of January last, thirty-one millions, three hundred and ninety-seven thousand, five hundred and twelve dollars and eighty cents. The expenditures for the first three quarters of this year amount to twenty-four millions, seven hundred and thirty-four thousand, three hundred and forty-six dollars and ninety-seven cents. The expenditures for the fourth quarter, as estimated, will amount to seven millions, two hundred and ninety thousand, seven hundred and twenty-three dollars and seventy-three cents: thus making a total of thirty-two millions, twenty-five thousand, and seventy dollars and seventy cents, and leaving a deficit to be provided for, on the first of January next, of about six hundred and twenty-seven thousand, five hundred and fifty-seven dollars and ninety cents.

Of the loan of twelve millions of dollars, which was authorized by Congress at its late session, only five millions, four hundred and thirty-two thousand, seven hundred and twenty-six dollars and eighty-eight cents have been negotiated. The shortness of time which it had to run has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what remains undisposed of payable at a more distant day.

Should it be necessary, in any view that Congress may take of the subject, to revise the existing tariff of duties, I beg leave to say, that, in the performance of that most delicate operation, moderate councils would seem to be the wisest. The government under which it is our happiness to live, owes its existence to the spirit of compromise which prevailed among its framers—jarring and discordant opinions could only have been reconciled by that noble spirit of patriotism which prompted conciliation and resulted in harmony. In the same spirit the compromise bill, as it is commonly called, was adopted at the session of 1833. While the people of no portion of the Union will ever hesitate to pay all necessary taxes for the support of government, yet an innate repugnance exists to the imposition of burdens not really necessary for that object. In imposing duties, however, for the purposes of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists. Otherwise the government would be placed in the condition of having to levy the same duties upon all articles, the productive as well as the unproductive. The slightest duty upon some might have the effect of causing their importation to cease, whereas others, entering extensively into the consumption of the country, might bear the heaviest, without any sensible diminution in the amount imported. So also the government may be justified in so discriminating, by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the treasury, no well-founded objection can exist against them. It might be esteemed desirable that no such augmentation of the taxes should take place as would have the effect of annulling the land proceeds distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent., the maximum rate established by the compromise act.

Some of the provisions of the compromise act, which will go into effect

on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that Congress may adopt. I refer more particularly to that relating to the home valuation. A difference in value of the same articles, to some extent, will necessarily exist at different ports—but that is altogether insignificant when compared with the conflicts in valuation which are likely to arise from the differences of opinion among the numerous appraisers of merchandise. In many instances the estimates of value must be conjectural, and thus as many different rates of value may be established as there are appraisers. These differences in valuation may also be increased by the inclination which, without the slightest imputation on their honesty, may arise on the part of the appraisers in favor of their respective ports of entry. I recommend this whole subject to the consideration of Congress, with a single additional remark. Certainty and permanency in any system of governmental policy, are, in all respects, eminently desirable; but more particularly is this true in all that affects trade and commerce, the operations of which depend much more on the certainty of their returns, and calculations which embrace distant periods of time, than on high bounties, or duties, which are liable to constant fluctuations.

At your late session I invited your attention to the condition of the currency and exchanges, and urged the necessity of adopting such measures as were consistent with the constitutional competency of the government, in order to correct the unsoundness of the one, and, as far as practicable, the inequalities of the other. No country can be in the enjoyment of its full measure of prosperity without the presence of a medium of exchange approximating to uniformity of value. What is necessary as between the different nations of the earth, is also important as between the inhabitants of different parts of the same country; with the first, the precious metals constitute the chief medium of circulation, and such also would be the case as to the last, but for inventions comparatively modern, which have furnished, in place of gold and silver, a paper circulation.

I do not propose to enter into a comparative analysis of the merits of the two systems. Such belonged more properly to the period of the introduction of the paper system. The speculative philosopher might find inducements to prosecute the inquiry, but his researches could only lead him to conclude that the paper system had probably better never have been introduced, and that society might have been much happier without it. The practical statesman has a very different task to perform. He has to look at things as they are—to take them as he finds them—to supply deficiencies, and to prune excesses, as far as in him lies. The task of furnishing a corrective for derangements of the paper medium with us, is almost inexpressibly great. The power exerted by the states to charter banking corporations, and which, having been carried to a great excess, has filled the country with, in most of the states, an irredeemable paper medium, is an evil which, in some way or other, requires a corrective. The rates at which bills of exchange are negotiated between different parts of the country, furnish an index of the value of the local substitute for gold and silver, which is in many parts so far depreciated as not to be received, except at a large discount, in payment of debts or in the purchase of produce. It could earnestly be desired that every bank not possessing the means of resumption, should follow the example of the late United States bank of Pennsylvania, and go into liquidation, rather than, by refusing to do so, to continue embarrassments in the way of solvent institutions,

thereby augmenting the difficulties incident to the present condition of things.

Whether this government, with due regard to the rights of the states, has any power to constrain the banks either to resume specie payments, or to force them into liquidation, is an inquiry which will not fail to claim your consideration. In view of the great advantages which are allowed the corporators, not among the least of which is the authority contained in most of their charters, to make loans to three times the amount of their capital, thereby often deriving three times as much interest on the same amount of money as any individual is permitted by law to receive, no sufficient apology can be urged for a long-continued suspension of specie payments. Such suspension is productive of the greatest detriment to the public, by expelling from circulation the precious metals, and seriously hazarding the success of any effort that this government can make, to increase commercial facilities, and to advance the public interests.

This is the more to be regretted, and the indispensable necessity for a sound currency becomes the more manifest, when we reflect on the vast amount of the internal commerce of the country. Of this we have no statistics, nor just data, for forming adequate opinions. But there can be no doubt but that the amount of transportation coastwise by sea, and the transportation inland by railroads and canals, and by steamboats and other modes of conveyance, over the surface of our vast rivers and immense lakes, and the value of property carried and interchanged by these means, form a general aggregate, to which the foreign commerce of the country, large as it is, makes but a distant approach.

In the absence of any controlling power over this subject, which, by forcing a general resumption of specie payments, would at once have the effect of restoring a sound medium of exchange, and would leave to the country but little to desire, what measure of relief, falling within the limits of our constitutional competency, does it become this government to adopt? It was my painful duty at your last session, under the weight of most solemn obligations, to differ with Congress on the measures which it proposed for my approval, and which it doubtless regarded as corrective of existing evils. Subsequent reflection, and events since occurring, have only served to confirm me in the opinions then entertained, and frankly expressed.

I must be permitted to add, that no scheme of governmental policy, unaided by individual exertions, can be available for ameliorating the present condition of things. Commercial modes of exchange, and a good currency are but the necessary means of commerce and intercourse, not the direct productive sources of wealth. Wealth can only be accumulated by the earnings of industry and the savings of frugality; and nothing can be more ill-judged than to look to facilities in borrowing, or to a redundant circulation, for the power of discharging pecuniary obligations. The country is full of resources and the people full of energy, and the great and permanent remedy for present embarrassments must be sought in industry, economy, the observance of good faith, and the favorable influence of time.

In pursuance of a pledge given to you in my last message to Congress, which pledge I urge as an apology for adventuring to present you the details of any plan, the secretary of the treasury will be ready to submit to you, should you require it, a plan of finance which, while it throws around the public treasure reasonable guards for its protection, and rests on pow-

ers acknowledged in practice to exist from the origin of the government, will, at the same time, furnish to the country a sound paper medium, and afford all reasonable facilities for regulating the exchanges. When submitted, you will perceive in it a plan amendatory of the existing laws in relation to the treasury department—subordinate, in all respects, to the will of Congress directly, and the will of the people indirectly—self-sustaining, should it be found in practice to realize its promises in theory—and repealable at the pleasure of Congress.

It proposes, by effectual restraints, and by invoking the true spirit of our institutions, to separate the purse from the sword; or, more properly to speak, denies any other control to the president over the agents who may be selected to carry it into execution, but what may be indispensably necessary to secure the fidelity of such agents; and, by wise regulations, keeps plainly apart from each other private and public funds. It contemplates the establishment of a board of control, at the seat of government, with agencies at prominent commercial points, or wherever else Congress shall direct, for the safekeeping and disbursement of the public moneys, and a substitution, at the option of the public creditor, of treasury-notes in lieu of gold and silver. It proposes to limit the issues to an amount not to exceed fifteen millions of dollars, without the express sanction of the legislative power. It also authorizes the receipt of individual deposites of gold and silver to a limited amount, and the granting certificates of deposite, divided into such sums as may be called for by the depositors. It proceeds a step further, and authorizes the purchase and sale of domestic bills and drafts, resting on a real and substantial basis, payable at sight, or having but a short time to run, and drawn on places not less than one hundred miles apart—which authority, except in so far as may be necessary for government purposes exclusively, is only to be exerted upon the express condition that its exercise shall not be prohibited by the state in which the agency is situated.

In order to cover the expenses incident to the plan, it will be authorized to receive moderate premiums for certificates issued on deposites, and on bills bought and sold, and thus, as far as its dealings extend, to furnish facilities to commercial intercourse at the lowest possible rates, and to subduct from the earnings of industry the least possible sum. It uses the state banks at a distance from the agencies, as auxiliaries, without imparting any power to trade in its name. It is subjected to such guards and restraints as have appeared to be necessary. It is the creature of law, and exists only at the pleasure of the legislature. It is made to rest on an actual specie basis, in order to redeem the notes at the places of issue—produces no dangerous redundancy of circulation—affords no temptation to speculation—is attended by no inflation of prices—is equal in its operation—makes the treasury-notes (which it may use along with the certificates of deposite, and the notes of specie-paying banks) convertible at the place where collected, receivable in payment of government dues—and, without violating any principle of the constitution, affords the government and the people such facilities as are called for by the wants of both. Such, it has appeared to me, are its recommendations, and in view of them, it will be submitted, whenever you may require it, to your consideration.

I am not able to perceive that any fair and candid objection can be urged against the plan, the principal outlines of which I have thus presented I can not doubt but that the notes which it proposes to furnish

at the voluntary option of the public creditor, issued in lieu of the revenue and its certificates of deposite, will be maintained at an equality with gold and silver everywhere. They are redeemable in gold and silver on demand, at the place of issue. They are receivable everywhere in payment of government dues. The treasury-notes are limited to an amount of one fourth less than the estimated annual receipts of the treasury; and in addition, they rest upon the faith of the government for their redemption. If all these assurances are not sufficient to make them available, then the idea, as it seems to me, of furnishing a sound paper medium of exchanges, may be entirely abandoned.

If a fear be indulged that the government may be tempted to run into excess in its issues at any future day, it seems to me that no such apprehension can reasonably be entertained, until all confidence in the representatives of the states and of the people, as well as of the people themselves, shall be lost. The weightiest considerations of policy require that the restraints now proposed to be thrown around the measure should not for light causes be removed. To argue against any proposed plan its liability to possible abuses, is to reject every expedient, since everything dependent on human action is liable to abuse. Fifteen millions of treasury-notes may be issued as the *maximum*, but a discretionary power is to be given to the board of control, under that sum, and every consideration will unite in leading them to feel their way with caution. For the first eight years of the existence of the late bank of the United States, its circulation barely exceeded four millions of dollars; and, for five of its most prosperous years, it was about equal to sixteen millions of dollars: furthermore, the authority given to receive private deposites to a limited amount, and to issue certificates in such sums as may be called for by the depositors, may so far fill up the channels of circulation as greatly to diminish the necessity of any considerable issue of treasury-notes.

A restraint upon the amount of private deposites has seemed to be indispensably necessary, from an apprehension, thought to be well-founded, that in any emergency of trade, confidence might be so far shaken in the banks as to induce a withdrawal from them of private deposites, with a view to insure their unquestionable safety when deposited with the gov ernment, which might prove eminently disastrous to the state banks. Is it objected that it is proposed to authorize the agencies to deal in bills of exchange? It is answered, that such dealings are to be carried on at the lowest possible premium—are made to rest on an unquestionably sound basis—are designed to reimburse merely the expenses which would otherwise devolve upon the treasury, and are in strict subordination to the decision of the supreme court, in the case of the bank of Augusta against Earle, and other reported cases; and thereby avoids all conflict with state jurisdiction, which I hold to be indispensably requisite. It leaves the banking privileges of the states without interference—looks to the treasury and the Union—and, while furnishing every facility to the first, is careful of the interest of the last. But, above all, it is created by law, is amendable by law, and is repealable by law; and wedded as I am to no theory, but looking solely to the advancement of the public good, I shall be among the very first to urge its repeal, if it be found not to subserve the purposes and objects for which it may be created. Nor will the plan be submitted on any overweening confidence in the sufficiency of my own judgment, but with much greater reliance on the wisdom and patriotism of Congress. I can not abandon this subject without urging upon you, in the most em-

phatic manner, whatever may be your action on the suggestions which I have felt it to be my duty to submit, to relieve the chief executive magistrate, by any and all constitutional means, from a controlling power over the public treasury. If, in the plan proposed, should you deem it worthy of your consideration, that separation is not as complete as you may desire, you will doubtless amend it in that particular. For myself, I disclaim all desire to have any control over the public moneys other than what is indispensably necessary to execute the laws which you may pass.

Nor can I fail to advert, in this connexion, to the debts which many of the states of the Union have contracted abroad, and under which they continue to labor. That indebtedness amounts to a sum not less than two hundred millions of dollars, and which has been retributed to them, for the most part, in works of internal improvement, which are destined to prove of vast importance in ultimately advancing their prosperity and wealth. For the debts thus contracted the states are alone responsible. I can do no more than express the belief that each state will feel itself bound, by every consideration of honor as well as of interest, to meet its engagements with punctuality. The failure, however, of any one state to do so should in no degree affect the credit of the rest; and the foreign capitalist will have no just cause to experience alarm as to all other state stocks, because any one or more of the states may neglect to provide with punctuality the means of redeeming their engagements. Even such states, should there be any, considering the great rapidity with which their resources are developing themselves, will not fail to have the means, at no very distant day, to redeem their obligations to the uttermost farthing; nor will I doubt but that, in view of that honorable conduct which has evermore governed the states and the people of this Union, they will each and all resort to every legitimate expedient, before they will forego a faithful compliance with their obligations.

From the report of the secretary of war, and other reports accompanying it, you will be informed of the progress which has been made in the fortifications designed for the protection of our principal cities, roadsteads, and inland frontier, during the present year, together with their true state and condition. They will be prosecuted to completion with all the expedition which the means placed by Congress at the disposal of the executive will allow.

I recommend particularly to your consideration that portion of the secretary's report which proposes the establishment of a chain of military posts from Council Bluffs to some point on the Pacific ocean within our limits. The benefits thereby destined to accrue to our citizens engaged in the fur-trade over that wilderness region, added to the importance of cultivating friendly relations with savage tribes inhabiting it, and, at the same time, of giving protection to our frontier settlements, and of establishing the means of safe intercourse between the American settlements at the mouth of the Columbia river and those on this side of the Rocky mountains, would seem to suggest the importance of carrying into effect the recommendations upon this head with as little delay as may be practicable.

The report of the secretary of the navy will place you in possession of the present condition of that important arm of the national defence. Every effort will be made to add to its efficiency; and I can not too strongly urge upon you liberal appropriations to that branch of the public service. Inducements of the weightiest character exist for the adoption of this course

of policy. Our extended and otherwise exposed maritime frontier calls for protection, to the furnishing of which an efficient naval force is indispensable. We look to no foreign conquests, nor do we propose to enter into competition with any other nation for supremacy on the ocean; but it is due, not only to the honor, but to the security of the people of the United States, that no nation should be permitted to invade our waters at pleasure, and subject our towns and villages to conflagration or pillage. Economy in all branches of the public service is due from all the public agents to the people; but parsimony alone would suggest the withholding of the necessary means for the protection of our domestic firesides from invasion, and our national honor from disgrace. I would most earnestly recommend to Congress to abstain from all appropriations for objects not absolutely necessary; but I take upon myself, without a moment of hesitancy, all the responsibility of recommending the increase and prompt equipment of that gallant navy which has lighted up every sea with its victories, and spread an imperishable glory over the country.

The report of the postmaster-general will claim your particular attention, not only because of the valuable suggestions which it contains, but because of the great importance which at all times attaches to that interesting branch of the public service. The increased expense of transporting the mail along the principal routes necessarily claims the public attention, and has awakened a corresponding solicitude on the part of the government. The transmission of the mail must keep pace with those facilities of intercommunication which are every day becoming greater through the building of railroads and the application of steam-power: but it can not be disguised that, in order to do so, the postoffice department is subjected to heavy exactions. The lines of communication between distant parts of the Union are, to a great extent, occupied by railroads, which, in the nature of things, possess a complete monopoly, and the department is therefore liable to heavy and unreasonable charges. This evil is destined to great increase in future, and some timely measure may become necessary to guard against it.

I feel it my duty to bring under your consideration a practice which has grown up in the administration of the government, and which, I am deeply convinced, ought to be corrected. I allude to the exercise of the power which usage, rather than reason, has vested in the president of removing incumbents from office, in order to substitute others more in favor with the dominant party. My own conduct in this respect has been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress that spirit of active partisanship on the part of holders of office which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the government itself, inasmuch as it exhibits the chief magistrate as being a party, through his agents, in the secret plots or open workings of political parties.

In respect to the exercise of this power, nothing should be left to discretion which may safely be regulated by law; and it is of high importance to restrain, as far as possible, the stimulus of personal interests in public elections. Considering the great increase which has been made in public officers in the last quarter of a century, and the probability of further increase, we incur the hazard of witnessing violent political con-

tests, directed too often to the single object of retaining office by those who are in, or obtaining it by those who are out. Under the influence of these convictions, I shall cordially concur in any constitutional measures for regulating, and, by regulating, restraining the power of removal.

I suggest for your consideration the propriety of making, without further delay, some specific application of the funds derived under the will of Mr. Smithson, of England, for the diffusion of knowledge, and which have heretofore been vested in public stocks until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks in which the investments have been made have undergone a depreciation.

In conclusion, I commend to your care the interests of this district, for which you are the exclusive legislators. Considering that this city is the residence of the government, and, for a large part of the year, of Congress, and considering, also, the great cost of the public buildings, and the propriety of affording them at all times careful protection, it seems not unreasonable that Congress should contribute toward the expense of an efficient police.

SPECIAL MESSAGE.

FEBRUARY 9, 1842.

To the House of Representatives of the United States:—

IN answer to a resolution of the house of representatives, of the 7th of February, 1842, in the following words: "*Resolved*, That the president of the United States inform this house under what authority the commission, consisting of George Poindexter, and others, for the investigation of the concerns of the New York customhouse, was raised; what were the purposes and objects of said commission; how many persons have, in any way, been connected with it, and the compensation received or to be received by each; and the aggregate amount of every description of said commission; and out of what fund the said expenditures have been or are to be paid;" I have to state, that the authority for instituting the commission mentioned in said resolution, is the authority vested in the president of the United States, to take care that the laws be faithfully executed, and to give to Congress, from time to time, information on the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient.

The expediency, if not necessity, of inquiries into the transactions of our customhouses, especially where abuses and malpractices are alleged, must be obvious to Congress; and that investigations of this kind were expected to be made, appears from the provision of the twenty-first section of the act of 1799, which enjoins collectors of the customs to submit their books, papers, and accounts, to the inspection of such persons as shall be appointed for that purpose.

The purposes and objects of the mission will be explained by the mission itself; a copy of which, together with information on other subjects mentioned in the resolution, will, at the proper time, be laid before Congress.

SPECIAL MESSAGE.

FEBRUARY 16, 1842.

To the House of Representatives of the United States:—

I TRANSMIT, herewith, a communication addressed to me by the secretary of war, in relation to certain contracts entered into by a board of medical officers, appointed for that purpose, for the purchase of sites on the western waters, for the erection of marine hospitals; and, concurring fully in his views of the subject, I recommend that either an appropriation of forty-four thousand seven hundred and twenty-one dollars be made, for the purpose of satisfying the claims of the individuals with whom the contracts were made, or that the department of war be authorized to reconvey to them their lands, and annul the contracts.

SPECIAL MESSAGE.

FEBRUARY 26, 1842.

To the House of Representatives of the United States:—

THE resolution of the house of representatives of the 21st instant, requesting the president of the United States to communicate to that body "if not incompatible with the public interest, the state of the negotiation between the United States and the government of Great Britain, in relation to the northeastern boundary of the state of Maine, and also, all correspondence on that subject between the two governments, not hitherto communicated," has been transmitted to me. Desirous always to lay before Congress and the public everything affecting the state of the country, to the fullest extent consistent with propriety and prudence, I have to inform the house of representatives that, in my judgment, no communication could be made by me at this time, on the subject of its resolution, without detriment or danger to the public interests.

SPECIAL MESSAGE.

MARCH 8, 1842.

To the House of Representatives of the United States:—

I FEEL it to be my duty to invite your attention to the accompanying communication from the secretary of the treasury, in relation to the probable demands which will be made upon the treasury for the present quarter. It will be seen that, without arresting the requisitions which will be made by the war and navy departments for the months of March, April, and May, there will be an unprovided-for deficit of upward of three millions.

I can not bring myself, however, to believe that it will enter into the view of any department of the government to arrest works of defence now in progress of completion, or vessels under construction or prepa-

ration for sea. Having due regard to the unsettled condition of our foreign relations, and the exposed situation of our inland and maritime frontier, I should feel myself wanting in my duty to the country, if I could hesitate in urging upon Congress all necessary appropriations for placing it in an attitude of strength and security. Such recommendation, however, has heretofore been made, in full reliance, as well on Congress as on the well-known patriotism of the people, their high sense of national honor, and their determination to defend our soil from the possibility, however remote, of a hostile invasion.

The diminution in the revenue arising from the great diminution of duties under what is commonly called the compromise act, necessarily involves the treasury in embarrassments, which have been for some years palliated by the temporary expedient of issuing treasury-notes—an expedient which, affording no permanent relief, has imposed upon Congress, from time to time, the necessity of replacing the old by a new issue. The amount outstanding on the 4th of March, 1840, varies in no great degree from the amount which will be outstanding on the first of January next; while in the interim the new issues are rendered equivalent to the redemption of the old, and at the end of the fiscal year leave an augmented pressure on the finances by the accumulation of interest.

The contemplated revision of the tariff of duties may, and doubtless will, lead in the end to a relief of the treasury from those constantly-recurring embarrassments: but it must be obvious that time will be necessary to realize the full anticipations of financial benefit from any modification of the tariff laws. In the meantime, I submit to Congress the suggestions made by the secretary, and invite its prompt and speedy action.

SPECIAL MESSAGE.

March 8, 1842.

To the Senate and House of Representatives of the United States:—

In my message of the 7th of December, I suggested to Congress the propriety, and in some degree the necessity, of making proper provisions by law, within the pale of the constitution, for the removal, at their commencement, and at the option of the party, of all such cases as might arise in state courts involving national questions, or questions touching the faithful observance and discharge of the international obligations of the United States, from such state tribunal to the federal judiciary. I am urged to repeat, at this time, this recommendation, by the receipt of intelligence, upon which I can rely, that a subject of Great Britain, residing in Upper Canada, has been arrested upon a charge of connexion with the expedition fitted out by the Canadian authorities by which the "Caroline" was destroyed, and will, in all probability, be subjected to trial in the state courts of New York. It is doubtful whether, in this state of things, should his discharge be demanded by the British government, this government is invested with any control over the subject until the case shall have reached the court of final resort of the state of New York, and been decided in that court. And although such delay ought not, in a national point of view, to give cause of umbrage to Great Britain, yet the prompt and instant rendering of justice to foreign nations should be placed among our

highest duties. I can not, therefore, in consideration of what properly becomes the United States, and in anticipation of any demand from a foreign government for the discharge of one of its subjects, forego the duty of repeating my recommendation to Congress for the immediate adoption of some suitable legislative provision on this subject.

SPECIAL MESSAGE.

March 23, 1842.

To the House of Representatives of the United States:—

A resolution adopted by the house of representatives on the 16th instant, in the following words, viz., "*Resolved*, That the president of the United States and the heads of the several departments be requested to communicate to the house of representatives the names of such of the members (if any) of the twenty-sixth and twenty-seventh Congress who have been applicants for office, and for what offices, distinguishing between those who have applied in person, and those whose applications were made by friends, whether in person or by writing"—has been transmitted to me for my consideration.

If it were consistent with the rights and the duties of the executive department, it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the house of representatives. But since, in my view, general considerations of policy and propriety, as well as a proper defence of the rights and safeguards of the executive department, require of me, as the chief magistrate, to refuse compliance with the terms of this resolution, it is incumbent on me to urge, for the consideration of the house of representatives, my reasons for declining to give the desired information.

All appointments to office made by a president become, from the date of their nomination to the senate, official acts, which are matter of record, and are at the proper time made known to the house of representatives and to the country. But applications for office, or letters respecting appointments, or conversations held with individuals on such subjects, are not official proceedings, and can not by any means be made to partake of the character of official proceedings, unless, after the nomination of such person so writing or conversing, the president shall think proper to lay such correspondence or such conversations before the senate. Applications for office are in their very nature confidential; and, if the reasons assigned for such applications, or the names of the applicants, were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter, would be made public at a vast consumption of time, money, and trouble, without accomplishing, or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the government in any of its branches.

But there is a consideration of a still more effective and lofty character, which is with me entirely decisive of the correctness of the view that I have taken of this question. While I shall ever evince the greatest readiness to communicate to the house of representatives all proper information which the house shall deem necessary to a due discharge of its

constitutional obligations and functions, yet it becomes me, in defence of the constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the constitution has conferred exclusively on the executive; and, therefore, such compliance can not be made by me, nor by the heads of departments by my direction. The appointing power, so far as it is bestowed on the president by the constitution, is conferred without reserve or qualification. The reason for the appointment, and the responsibility of the appointment, rest with him alone. I can not perceive anywhere in the constitution of the United States any right conferred on the house of representatives to hear the reasons which an applicant may urge for an appointment to office under the executive department, or any duty resting upon the house of representatives by which it may become responsible for any such appointment.

Any assumption or misapprehension on the part of the house of representatives of its duties and powers in respect to appointments, by which it encroaches on the rights and duties of the executive department, is, to the extent to which it reaches, dangerous, impolitic, and unconstitutional.

For these reasons, so perfectly convincing to my mind, I beg leave respectfully to repeat, in conclusion, that I can not comply with the request contained in the above resolution.

SPECIAL MESSAGE.

March 25, 1842.

To the Senate and House of Representatives of the United States:—

Notwithstanding the urgency with which I have, on more than one occasion, felt it my duty to press upon Congress the necessity of providing the government with the means of discharging its debts, and maintaining inviolate the public faith, the increasing embarrassments of the treasury impose upon me the indispensable obligation of again inviting your most serious attention to the condition of the finances. Fortunately for myself in thus bringing this important subject to your view for a deliberate and comprehensive examination in all its bearings, and I trust I may add, for a final adjustment of it, to the common advantage of the whole Union, I am permitted to approach it with perfect freedom and candor. As few of the burdens for which provision is now required to be made, have been brought upon the country during my short administration of its affairs, I have neither motive nor wish to make them a matter of crimination against any of my predecessors. I am disposed to regard, as I am bound to treat them, *as facts* which can not now be undone, and as deeply interesting to us all, and equally imposing upon all the most solemn duties; and the only use I would make of the errors of the past is, by a careful examination of their causes and character, to avoid, if possible, the repetition of them in future. The condition of the country, indeed, is such as may well arrest the conflict of parties. The conviction seems at length to have made its way to the minds of all, that the disproportion between the

public responsibilities and the means provided for meeting them, is no casual nor transient evil. It is, on the contrary, one which, for some years to come, notwithstanding a resort to all reasonable retrenchments, and the constant progress of the country in population and productive power, must continue to increase under existing laws, unless we consent to give up or impair all our defences in war and peace. But this is a thought which, I am persuaded, no patriotic mind would for a moment entertain. Without affecting an alarm which I do not feel, in regard to our foreign relations, it may safely be affirmed that they are in a state too critical, and involes too many momentous issues, to permit us to neglect in the least, much less to abandon entirely, those means of asserting our rights, without which negotiation is without dignity and peace without security.

In the report of the secretary of the treasury, submitted to Congress at the commencement of the present session, it is estimated that, after exhausting all the probable resources of the year, there will remain a deficit of about fourteen millions of dollars. With a view partly to a permanent system of revenue, and partly to immediate relief from actual embarrassment, that officer recommended, together with a plan for establishing a government exchequer, some expedients of a more temporary character, viz., the issuing of treasury-notes, and the extension of the time for which the loan, authorized to be negotiated by the act of the last session, should be taken. Congress accordingly provided for an issue of treasury-notes, to the amount of five millions of dollars, but subject to the condition that they should not be paid away below par.

No measure connected with the last of the two objects abovementioned, was introduced until recently into the house of representatives. Should the loan-bill now pending before that body pass into a law for its present amount, there would still remain a deficit of two millions, five hundred thousand dollars. It requires no argument to show, that such a condition of the treasury is incompatible, not only with a high state of public credit, but with anything approaching to efficiency in the conduct of public affairs. It must be obvious, even to the most inexperienced minds, to say nothing of any particular exigency, actual or imminent, there should be at all times in the treasury of a great nation, with a view to contingencies of ordinary occurrence, a surplus, at least equal in amount to the above deficiency. But that deficiency, serious as it would be in itself, will, I am compelled to say, rather be increased than diminished, without the adoption of measures adequate to correct the evil at once. The stagnation of trade and business, in some degree incident to the derangement of the national finances, and the state of the revenue laws, holds out but little prospect of relief, in the ordinary course of things, for some time to come.

Under such circumstances, I am deeply impressed with the necessity of meeting the crisis with a vigor and decision which it imperatively demands at the hands of all intrusted with the conduct of public affairs. The gravity of the evil calls for a remedy proportioned to it. No slight palliatives or occasional expedients will give the country the relief it needs. Such measures, on the contrary, will, in the end, as is now manifest to all, too surely multiply its embarrassments. Relying, as I am bound to do, on the representatives of a people rendered illustrious among nations by having paid off its whole public debt, I shall not shrink from the responsibility imposed upon me by the constitution, of pointing out such measures as will, in my opinion, insure adequate relief. I am the more encouraged to recommend the course which necessity exacts, by

the confidence which I have in its complete success. The resources of the country, in everything that constitutes the wealth and strength of nations, are so abundant—the spirit of a most industrious. enterprising, and intelligent people, is so energetic and elastic—that the government will be without the shadow of excuse for its delinquency, if the difficulties which now embarrass it be not speedily and effectually removed.

From present indications, it is hardly doubtful that Congress will find it necessary to lay additional duties on imports, in order to meet the ordinary current expenses of the government. In the exercise of a sound discrimination, having reference to revenue, but, at the same time, necessarily affording incidental protection to manufacturing industry, it seems equally probable that duties on some articles of importation will have to be advanced above twenty per cent. In performing this important work of revising the tariff of duties, which, in the present emergency, would seem to be indispensable, I can not too strongly recommend the cultivation of a spirit of mutual harmony and concession, to which the government itself owes its origin, and without the continued exercise of which, jarring and discord would universally prevail.

An additional reason for the increase of duties, in some instances, beyond the rate of twenty per cent., will exist in fulfilling the recommendations already made, and now repeated, of making adequate appropriations for the defences of the country.

By the express provision of the act distributing the proceeds of the sales of the public lands among the states, its operation is *ipso facto* to cease, so soon as the rate of the duties shall exceed the limits prescribed in the act.

In recommending the adoption of measures for distributing the proceeds of the public lands among the states, at the commencement of the last session of Congress, such distribution was urged by arguments and considerations which appeared to me then, and appear to me now, of great weight, and was placed on the condition that it should not render necessary any departure from the act of 1833. It is with sincere regret that I now perceive the necessity of departing from that act, because I am well aware that expectations justly entertained by some of the states will be disappointed by any occasion which shall withhold from them the proceeds of the lands. But the condition was plainly expressed in the message, and was inserted in terms equally plain in the law itself; and amid the embarrassments which surround the country on all sides, and beset both the general and the state governments, it appears to me that the object first and highest in importance is to establish the credit of this government, and to place it on durable foundations, and thus afford the most effectual support to the credit of the states, equal, at least, to what it would receive from a direct distribution of the proceeds of the sales of the public lands.

When the distribution law was passed, there was reason to anticipate that there soon would be a real surplus to distribute. On that assumption it was, in my opinion, a wise, a just, and a beneficent measure. But to continue it in force while there is no such surplus to distribute, and when it is manifestly necessary, not only to increase the duties, but at the same time to borrow money in order to liquidate the public debt and disembarrass the public treasury, would cause it to be regarded as an unwise alienation of the best security of the public creditor, which would with difficulty be excused, and could not be justified.

Causes of no ordinary character have recently depressed American

credit in the stock market of the world to a degree quite unprecedented. I need scarcely mention the condition of the banking institutions of some of the states, the vast amount of foreign debt contracted, during a period of wild speculation, by corporations and individuals, and, above all, the doctrine of repudiation of contracts solemnly entered into by states, which, although as yet applied only under circumstances of a peculiar character, and generally rebuked with severity by the moral sense of the community, is yet so very licentious, and, in a government depending wholly on opinion, so very alarming, that the impression made by it to our disadvantage as a people is anything but surprising. Under such circumstances, it is imperatively due from us to the people whom we represent, that when we go into the money-market to contract a loan, we should tender such securities as to cause the money-lender, as well at home as abroad, to feel that the most propitious opportunity is afforded him of investing profitably and judiciously his capital. A government which has paid off the debts of two wars, waged with the most powerful nation of modern times, should not be brought to the necessity of chaffering for terms in the money-market. Under such circumstances as I have adverted to, our object should be to produce with the capitalist a feeling of entire confidence, by a tender of that sort of security which in all times past has been esteemed sufficient, and which, for the small amount of our proposed indebtedness, will unhesitatingly be regarded as amply adequate. While a pledge of all the revenues amounts to no more than is implied in every instance when the government contracts a debt, and although it ought, in ordinary circumstances, to be entirely satisfactory, yet in times like these the capitalist would feel better satisfied with the pledge of a specific fund, ample in magnitude to the payment of his interest, and ultimate reimbursement of his principal. Such is the character of the land fund. The most vigilant money-dealer will readily perceive that not only will his interest be secure on such a pledge, but that a debt of eighteen or twenty millions would, by the surplus of sales over and above the payment of the interest, be extinguished within any reasonable time fixed for its resumption. To relieve the treasury from its embarrassments, and to aid in meeting its requisitions, until time is allowed for any new tariff of duties to become available, it would seem to be necessary to fund a debt approaching to eighteen millions of dollars; and, in order to place the negotiation of the loan beyond a reasonable doubt, I submit to Congress whether the proceeds of the sales of the pub lic lands should not be pledged for the payment of the interest, and the secretary of the treasury be authorized, out of the surplus of the proceeds of such sales, to purchase the stock, when it can be procured on such terms as will render it beneficial in that way, to extinguish the debt, and prevent the accumulation of such surplus while its distribution is suspended.

No one can doubt, that were the federal treasury now as prosperous as it was ten years ago, and its fiscal operations conducted by an efficient agency of its own, coextensive with the Union, the embarrassments of the states and corporations in them would produce, even if they continued as they are (were that possible), effects far less disastrous than those now experienced. It is the disorder here, at the heart and centre of the system, that paralyzes and deranges every part of it. Who does not know the permanent importance, not to the federal government alone, but to every state and every individual within its jurisdiction, even in their most independent and isolated individual pursuits, in the preservation of a sound

state of public opinion, and a judicious administration here? The sympathy is instantaneous and universal. To attempt to remedy the evil of the deranged credit and currency of the states, while the disease is allowed to rage in the vitals of this government, would be a hopeless undertaking.

It is the full conviction of this truth which imboldens me most earnestly to recommend to your early and serious consideration the measures now submitted to your better judgment, as well as those to which your attention has been already invited. The first great want of the country, that without answering which, all attempts at bettering the present condition of things will prove fruitless, is a complete restoration of the credit and finances of the federal government. The source and foundation of all credit is in the confidence which the government inspires; and just in proportion as that confidence shall be shaken or diminished will be the distrust among all classes of the community, and the derangement and demoralization in every branch of business and all the interests of the country. Keep up the standard of good faith and punctuality in the operations of the general government, and all partial irregularities and disorders will be rectified by the influence of its example; but suffer that standard to be debased or disturbed, and it is impossible to foresee to what a degree of degradation and confusion all financial interests, public and private, may sink. In such a country as this, the representatives of the people have only to will it, and the public credit will be as high as it ever was.

My own views of the measures calculated to effect this great and desirable object I have thus frankly expressed to Congress, under circumstances which give to the entire subject a peculiar and solemn interest. The executive can do no more. If the credit of the country be exposed to question, if the public defences be broken down or weakened, if the whole administration of public affairs be embarrassed for want of the necessary means for conducting them with vigor and effect, I trust that this department of the government will be found to have done all that was in its power to avert such evils, and will be acquitted of all just blame on account of them.

SPECIAL MESSAGE.

March 30, 1842.

To the House of Representatives of the United States:—

I TRANSMIT to the house of representatives two extracts from a note of the chargé d'affaires of the republic of Texas, accredited to this government, to the department of state: one suggesting, in behalf of his government, such modifications of the existing laws of the United States as will impart greater facility to the trade between the two countries, particularly to that which passes across their frontier; and the other expressing a desire for some regulation on the part of this government, by means of which the communication by port between the United States and Texas may be improved.

As the wishes of the Texan government in relation to those subjects can only be gratified by means of laws to be passed by Congress, they are accordingly referred to the consideration of the two houses.

SPECIAL MESSAGE.

APRIL 7, 1842.

To the House of Representatives of the United States:—

I HEREWITH transmit to the house of representatives copies of a letter addressed to the secretary of state by the chairman of the board of commissioners appointed to explore the territory and survey the boundary line between the states of Maine and New Hampshire and the adjoining British provinces, together with the report of the operations of that commission to the 31st ultimo, and a profile of the meridian line from the source of the St. Croix river, as far as surveyed, illustrative of the report.

SPECIAL MESSAGE.

APRIL 9, 1842.

To the House of Representatives of the United States:—

I TRANSMIT herewith, to the house of representatives, a report from the secretary of state, with a copy of the correspondence [with the British government relative to an international copyright law] requested by their resolution of the 7th instant.

SPECIAL MESSAGE.

APRIL 30, 1842.

To the House of Representatives of the United States:—

IN compliance with your resolution of the 29th instant, I have the honor to transmit the reports of Messrs. Kelly and Steuart, two of the commissioners originally appointed, along with Mr. Poindexter, to investigate the affairs of the customhouse at New York, together with all the correspondence and testimony accompanying the same; and also the report of Mr. Poindexter, to which is annexed two letters, subscribed by Mr. Poindexter and Mr. Bradley. The last-named gentleman was substituted in the place of Mr. Kelly, whose inclinations and duties called him to his residence, in Ohio, after the return of the commissioners to this city, about the last of August. One of the letters just mentioned was addressed to the secretary of the treasury, and bears date the 12th of April instant, and the other to myself, dated the 20th of this month. From the former you will learn that a most interesting portion of the inquiry instituted by this department (viz., that relating to the lighthouses, buoys, beacons, revenue-cutters, and revenue-boats), is proposed to be made the subject of a further report by Messrs. Bradley and Poindexter. You will also learn, through the accompanying letter from Mr. Steuart, the reasons which have delayed him in making a supplemental and additional report to that already made by himself and Mr. Kelly, embracing his views and

opinions upon the developments made subsequent to the withdrawal of Mr. Kelly from the commission, and the substitution of Mr. Bradley in his place. I also transmit two documents furnished by Mr. Steuart, and which were handed by him to the secretary of the treasury on the 7th instant—the one being "memoranda of proceedings," &c., marked No. 1, and the other, "letters accompanying memoranda," &c., marked No. 2.

The commission was instituted for the purpose of ascertaining existing defects in the customhouse regulations; to trace to their true causes past errors; to detect abuses, and, by recommending wholesome reforms, to guard in future not only against fraud and speculation, but error and mismanagement. For these purposes, a selection was made of persons of acknowledged intelligence and industry; and upon this task they have been engaged almost an entire year, and their labors remain yet to be completed. The character of those labors may be estimated by the extent of Messrs. Kelly and Steuart's report, embracing about one hundred pages of closely-written manuscript, the voluminous memoranda and correspondence of Mr. Steuart, the great mass of evidence accompanying Messrs. Kelly and Stuart's report, and the report of Mr. Poindexter, extending to over three hundred and ninety-four pages, comprised in the volume accompanying this, and additional reports still remaining to be made, as before stated.

I should be better pleased to have it in my power to communicate the entire mass of reports made, and contemplated to be made, at one and the same time, and still more should I have been gratified if time could have been allowed me, consistently with the apparent desire of the house of representatives, to be put into immediate possession of these papers, to have compared, or even to have read with deliberation, the views presented by the commissioners as to the proposed reforms in the revenue laws, together with the mass of documentary evidence and information by which they have been explained and enforced, and which do not admit of a satisfactory comparison until the whole circle of reports be completed Charges of malfeasance against some of those now in office will devolve upon the executive a rigid investigation into their extent and character, and will, in due season, claim my attention. The readiness, however, with which the house proposes to enter upon the grave and difficult subjects which these papers suggest having anticipated that consideration of them by the executive which their importance demands, it only remains for me, in lieu of specific recommendations, which, under other circumstances, it would have been my duty to make, to urge upon Congress the importance and necessity of introducing the earliest reforms in existing laws and usages, so as to guard the country in future against frauds in the collection of the revenue, and the treasury against speculation; to relieve trade and commerce from oppressive regulations, and to guard law and morality against violation and abuse.

As, from their great volume, it has been necessary to transmit the original papers to the house, I have suggested the propriety of the house taking order for their restoration to the treasury department at such time as may comport with its pleasure.

SPECIAL MESSAGE.

MAY 2, 1842.

To the House of Representatives of the United States:—

I HAVE this day received, and now transmit to the house of representatives, the accompanying communication from Benjamin F. Butler, having relation to the reports of the commissioners appointed by me to examine into the affairs connected with the New York customhouse. As the whole subject is in the possession of the house, I deem it also proper to communicate Mr. Butler's letter.

SPECIAL MESSAGE

MAY 10, 1842.

To the Senate and House of Representatives of the United States:—

THE season for active hostilities in Florida having nearly terminated, my attention has necessarily been directed to the course of measures to be pursued hereafter in relation to the few Indians yet remaining in that territory. Their number is believed not to exceed two hundred and forty, of whom there are supposed to be about eighty warriors, or males capable of bearing arms. The further pursuit of these miserable beings by a large military force seems to be as injudicious as it is unavailing. The history of the last year's campaign in Florida has satisfactorily shown that, notwithstanding the vigorous and incessant operations of our troops (which can not be exceeded), the Indian mode of warfare, their dispersed condition, and the very smallness of their number (which increases the difficulty of finding them in the abundant and almost inaccessible hiding-places of the territory), render any further attempt to secure them by force impracticable, except by the employment of the most expensive means. The exhibition of force, and the constant efforts to capture or destroy them, of course place them beyond the reach of overtures to surrender.

It is believed by the distinguished officer in command there, that a different system should now be pursued, to attain the removal of all the Indians in Florida. And he recommends that hostilities should cease, unless the renewal of them be rendered necessary by new aggressions; that communications should be opened, by means of the Indians, with him, to insure them a peaceful and voluntary surrender; and that the military operations should hereafter be directed to the protection of the inhabitants.

These views are strengthened and corroborated by the governor of the territory, by many of its most intelligent citizens, and by numerous officers of the army who have served and are still serving in that region. Mature reflection has satisfied me that these recommendations are sound and just. And I rejoice that, consistent with duty to Florida, I may indulge my desire to promote the great interests of humanity, and extend the reign of peace and good-will, by terminating the unhappy warfare that has so long been carried on there, and, at the same time, gratify my anxiety to reduce the demands upon the treasury, by curtailing the extraordinary expenses which have attended the contest. I have therefore authorized the colonel

in command there, as soon as he shall deem it expedient, to declare that hostilities against the Indians have ceased, and that they will not be renewed, unless provoked and rendered indispensable by new outrages on their part; but that neither citizens nor troops are to be restrained from any necessary and proper acts of self-defence against any attempts to molest them. He is instructed to open communications with those yet remaining, and endeavor, by all peaceable means, to persuade them to consult their true interests by joining their brethren at the west. And directions have been given for establishing a cordon, or line of protection for the inhabitants, by the necessary number of troops.

But, to render this system of protection effectual, it is essential that settlements of our citizens should be made within the line so established, and that they should be armed, so as to be ready to repel any attack. In order to afford inducements to such settlements, I submit to the consideration of Congress the propriety of allowing a reasonable quantity of land to the head of each family that shall permanently occupy it, and of extending the existing provisions on that subject, so as to permit the issue of rations for the subsistence of the settlers for one year. And, as few of them will probably be provided with arms, it would be expedient to authorize the loan of muskets, and the delivery of a proper quantity of cartridges, or of powder and balls. By such means, it is to be hoped that a hardy population will soon occupy the rich soil of the frontiers of Florida, who will be as capable as willing to defend themselves and their houses, and thus relieve the government from further anxiety or expense for their protection.

SPECIAL MESSAGE.

JUNE 20, 1842.

To the House of Representatives of the United States:—

A RESOLUTION of the house of representatives, of the 13th instant, has been communicated to me, requesting, "so far as may be compatible with the public interest, a copy of the quintuple treaty between the five powers of Europe, for the suppression of the African slave-trade; and also copies of any remonstrance or protest addressed by Lewis Cass, envoy extraordinary and minister plenipotentiary of the United States at the court of France, and of all communications from the said Lewis Cass to his own government, and from this government to him, relating thereto."

In answer to this request, I have to say, that the treaty mentioned therein has not been officially communicated to the government of the United States; and no authentic copy of it, therefore, can be furnished. In regard to the other papers requested, although it is my hope and expectation that it will be proper and convenient at an early day to lay them before Congress, together with others connected with the same subjects, yet, in my opinion, a communication of them to the house of representatives, at this time, would not be compatible with the public interest.

SPECIAL MESSAGE.

JUNE 25, 1842.

To the House of Representatives of the United States :—

I HAVE this day approved and signed an act, which originated in the house of representatives, entitled, "An act for an apportionment of representatives among the several states according to the sixth census," and have caused the same to be deposited in the office of the secretary of state, accompanied by an exposition of my reasons for giving to it my sanction.

REASONS FOR APPROVING THE BILL.

In approving this bill, I feel it due to myself to say, as well that my motives for signing it may be rightly understood as that my opinions may not be liable to be misconstrued, or quoted hereafter erroneously as a precedent, that I have not proceeded so much upon a clear and decided opinion of my own respecting the constitutionality or policy of the entire act, as from respect to the declared will of the two houses of Congress.

In yielding my doubts to the matured opinion of Congress, I have followed the advice of the first secretary of state to the first president of the United States, and the example set by that illustrious citizen upon a memorable occasion.

When I was a member of either house of Congress, I acted under the conviction that, to doubt as to the constitutionality of a law, was sufficient to induce me to give my vote against it; but I have not been able to bring myself to believe that a doubtful opinion of the chief magistrate ought to outweigh the solemnly-pronounced opinion of the representatives of the people and of the states.

One of the prominent features of the bill is that which purports to be mandatory on the states to form districts for the choice of representatives to Congress, in single districts. That Congress itself has power, by law, to alter state regulations respecting the manner of holding elections for representatives, is clear; but its power to command the states to make new regulations, or alter their existing regulations, is the question upon which I have felt deep and strong doubts. I have yielded those doubts, however, to the opinion of the legislature, giving effect to their enactment as far as depends on my approbation, and leaving questions which may arise hereafter, if, unhappily, such should arise, to be settled by full consideration of the several provisions of the constitution and the laws, and the authority of each house to judge of the elections, returns, and qualifications of its own members.

Similar considerations have operated with me in regard to the representation of fractions above a moiety of the representative number, and where such moiety exceeds thirty thousand—a question on which a diversity of opinion has existed from the foundation of the government. The provision recommends itself, from its nearer approximation to equality than would be found in the application of a common and simple divisor to the entire population of each state, and corrects, in a great degree, those inequalities which are destined, at the recurrence of each succeeding census, so greatly to augment.

In approving the bill, I flatter myself that a disposition will be perceived on my part to concede to the opinions of Congress in a matter which may conduce to the good of the country and the stability of its institutions, upon which my own opinion is not clear and decided. But it seemed to me due to the respectability of opinion against the constitutionality of the bill, as well as to the real difficulties of the subject, which no one feels more sensibly than I do, that the reasons which have determined me should be left on record.

FIRST TARIFF VETO.

JUNE 29, 1842.

To the House of Representatives of the United States:—

I RETURN the bill which originated in the house of representatives, entitled, "An act to extend, for a limited period, the present laws for laying and collecting duties on imports," with the following objections:—

It suspends—in other words, abrogates for the time—the provision of the act of 1833, commonly called "the compromise act." The only ground on which this departure from the solemn adjustment of a great and agitating question seems to have been regarded as expedient, is the alleged necessity of establishing, by legislative enactment, rules and regulations for assessing the duties to be levied on imports after the 30th June, according to the home valuation; and yet the bill expressly provides, that "if, before the first of August, there be no further legislation upon the subject, the laws for laying and collecting duties shall be the same as though this act had not been passed." In other words, that the act of 1833, imperfect as it is considered, shall, in that case, continue to be, and to be executed as law, under such rules and regulations as previous statutes had prescribed, or had enabled the executive department to prescribe for that purpose, leaving the supposed chasm in the revenue laws just as it was before.

I am certainly far from being disposed to deny that additional legislation upon this subject is very desirable. On the contrary, the necessity, as well as difficulty, of establishing uniformity in the appraisements to be made, in conformity with the true intention of that act, was brought to the notice of Congress in my message to Congress at the opening of its present session. But, however sensible I may be of the embarrassments to which the executive, in the absence of all aid from the superior wisdom of the legislature, will be liable, in the enforcement of the existing laws, I have not, with the sincerest wish to acquiesce in its expressed will, been able to persuade myself that the exigency of the occasion is so great as to justify me in signing the bill in question, with my present views of its character and effects. The existing laws, as I am advised, are sufficient to authorize and enable the collecting officers, under the directions of the secretary of the treasury, to levy the duties imposed by the act of 1833.

That act was passed under peculiar circumstances, to which it is not necessary that I should do more than barely allude. Whatever may be, in theory, its character, I have always regarded it as importing the highest moral obligation. It has now existed for nine years, unchanged in any essential particular, with as general acquiescence, it is believed, of the whole country, as that country has ever manifested for any of her wisely-

established institutions. It has insured to it the repose which always flows from truly wise and moderate counsels—a repose the more striking, because of the long and angry agitations which preceded it. This salutary law proclaims in express terms the principle which, while it led to the abandonment of a scheme of indirect taxation, founded on a false basis, and pushed to dangerous excess, justifies any enlargement of duties that may be called for by the real exigencies of the public service. It provides "that duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the government." It is, therefore, in the power of Congress to lay duties as high as its discretion may dictate, for the necessary uses of the government, without infringing upon the objects of the act of 1833. I do not doubt that the exigencies of the government do require an increase of the tariff of duties above twenty per cent., and I as little doubt that Congress may, above as well as below that rate, so discriminate as to give incidental protection to manufacturing industry—thus to make the burdens, which it is compelled to impose upon the people for the purposes of government, productive of a double benefit. This, most of the reasonable opponents of protective duties seem willing to concede, and if we may judge from the manifestations of public opinion in all quarters, this is all that the manufacturing interests really require. I am happy in the persuasion, that this double object can be most easily and effectually accomplished at the present juncture, without any departure from the spirit and principle of the statute in question. The manufacturing classes have now an opportunity, which may never occur again, of permanently identifying their interests with those of the whole country, and making them, in the highest sense of the term, a national concern. The moment is propitious to the interests of the whole country, in the introduction of harmony among all its parts and all its several interests. The same rate of imposts, and no more, as will most surely re-establish the public credit, will secure to the manufacturer all the protection he ought to desire, with every prospect of permanence and stability which the hearty acquiescence of the whole country, on a reasonable system, can hold out to him.

But of the universal acquiescence, and the harmony and confidence, and the many other benefits that will certainly result from it, I regard the suspension of the law for distributing the proceeds of the sales of the public lands as an indispensable condition. This measure is, in my judgment, called for by a large number, if not a great majority, of the people of the United States, by the state of public credit and finances, by the critical posture of our various foreign relations, and above all, by that most sacred of all duties, public faith. The act of September last, which provides for the distribution, couples it inseparably with the condition that it shall cease—1st, in case of war; 2d, as soon and so long as the rate of duties shall, for any reason whatever, be raised above twenty per cent. Nothing can be more clear, express, or imperative, than this language. It is in vain to allege that a deficit in the treasury was known to exist, and means taken to supply it by loan when the act was passed. It is true that a loan was authorized at the same session during which the distribution law was passed, but the most sanguine of the friends of the two measures entertained no doubt but that the loan would be eagerly sought after and taken up by capitalists, and speedily reimbursed by a country destined, as they hoped, soon to enjoy an overflowing prosperity. The very terms of the loan, making it redeemable in *three years*, demonstrate this beyond all cavil. Who, at the time,

foresaw or imagined the possibility of the present real state of things, when a nation that has paid off her whole debt since the last peace, while all the other great powers have been increasing theirs, and whose resources, already so great, are yet but in the infancy of their development, should be compelled to haggle in the money-market for a paltry sum, not equal to one year's revenue, upon her economical system? If the distribution law is to be indefinitely suspended, according, not only to its own terms, but by universal consent, in case of war, wherein are the actual exigencies of the country, or the moral obligation to provide for them, less under present circumstances than they could be, were we actually involved in war? It appears to me to be the indispensable duty of all concerned in the administration of public affairs, to see that a state of things so humiliating, and so perilous, should not last a moment longer than is absolutely unavoidable. Much less excusable should we be in parting with any portion of our available means, at least until the demands of the treasury are fully supplied. But, besides the urgency of such considerations, the fact is undeniable, that the distribution act could not have become a law without the guarantee in the proviso of the act itself.

This connexion, thus meant to be inseparable, is severed by the bill presented to me. The bill violates the principle of the acts of 1833, and September, 1841, by suspending the first, and rendering, for a time, the last inoperative. Duties, above 20 per cent., are proposed to be levied, and yet the *proviso* in the distribution act is disregarded; the proceeds of the sales are to be distributed on the first of August, so that while the duties proposed to be enacted exceed 20 per cent., no suspension of the distribution to the states is permitted to take place. To abandon the principle for a month, is to open the way for its total abandonment. If such is not meant, why postpone at all? Why not let the distribution take place on the 1st of July, if the law so directs?—which, however, is regarded as questionable. But why not have limited the provision to that effect? Is it for the accommodation of the treasury? I see no reason to believe that the treasury will be in a better condition to meet the payment on the 1st of August than on the 1st of July.

The bill assumes that a distribution of the proceeds of the public lands is, by existing laws, to be made on the first day of July, 1842, notwithstanding there has been an imposition of duties on imports exceeding 20 per cent. up to that day; and directs it to be made on the 1st of August next. It seems to me very clear that this conclusion is equally erroneous and dangerous, as it would divert from the treasury a fund sacredly pledged for the general purposes of the government, in the event of a rate of duty above 20 per cent., being found necessary for an economical administration of the government.

The bill under consideration is designed only as a temporary measure; and thus a temporary measure, passed merely for the convenience of Congress, is made to affect the vital principle of an important act. If the proviso of the act of September, 1841, can be suspended for the whole period of a temporary law, why not for the whole period of a permanent law? In fact, a doubt may be well entertained, according to strict legal rules, whether the condition having been thus expressly suspended by this bill, and rendered inapplicable to a case where it would otherwise have clearly applied, will not be considered as ever after satisfied and gone. Without expressing any decided opinion on this point, I see enough in it to justify me in adhering to the law as it stands, in preference to subjecting a condi-

tion so vitally affecting the peace of the country, and so solemnly enacted at a momentous crisis, and so steadfastly adhered to ever since, and so replete, if adhered to, with good to every interest of the country, to doubtful or captious interpretation.

In discharging the high duty thus imposed on me by the constitution, I repeat to the house my entire willingness to co-operate in all financial measures of a constitutional character, which, in its wisdom, it may judge necessary and proper to re-establish the credit of the government. I believe that the proceeds of the sales of the public lands being restored to the treasury, or more properly speaking, the *proviso* of the act of September, 1841, being permitted to remain in full force, a tariff of duties may easily be adjusted, which, while it will yield a revenue sufficient to maintain the government in vigor by restoring its credit, will afford ample protection, and infuse a new life into all our manufacturing establishments. The condition of the country calls for such legislation, and it will afford me the most sincere pleasure to co-operate in it.

SPECIAL MESSAGE.

JULY 2, 1842.

To the Senate and House of Representatives of the United States:—

I SUBMIT to Congress the printed copy of certain resolutions of the legislature of the state of Louisiana, accompanied by a letter from the senators and representatives from that state, and also a letter from the solicitor of the treasury and commissioner from the general land-office, requesting and recommending that a suit in ejectment may be authorized and directed, in order to test the validity of a grant made on the 24th of June, 1797, by the baron de Carondelet, governor-general of Louisiana, to the marquis de Maison Rouge.

The magnitude of this claim renders it highly desirable that a speedy termination should be put to all contest concerning it, and I therefore recommend that Congress shall authorize such proceedings as may be best calculated to bring it to a close.

SPECIAL MESSAGE.

JULY 20, 1842.

To the House of Representatives of the United States:—

IN further compliance with the resolution of the house of representatives of the 29th of April last, I transmit herewith a supplemental nd additional report of William M. Steuart, one of the commissioners appointed to investigate the affairs of the New York customhouse, which has recently been received, and which, like the reports of the commissioners heretofore communicated to the house, I have not had an opportunity to examine. For the reason stated in my message to the house of the 30th of April last, I shall abstain, as I have done hitherto, from recommending any specific measures which might be suggested by an examination of the various reports on the subject.

SPECIAL MESSAGE.

JULY 22, 1842.

To the House of Representatives of the United States:—

IN answer to the resolution of the house of representatives of the 13th instant, upon the subject of the relations between the United States and the republic of Texas, I transmit a report from the secretary of state. My last communication to Congress relating to that republic was my message of the 30th of March last, suggesting the expediency of legislative provisions for improving the trade and facilitating the intercourse by port between the two governments. Since that period, nothing has transpired which it would be compatible with the public interest to communicate to the house of representatives at this time.

SPECIAL MESSAGE.

AUGUST 8, 1842.

To the Senate of the United States:—

IN the communication made to the senate on the 13th of June, in answer to its resolution of the 2d of March last, there appears to have been, among other papers, sundry letters, addressed to the department of state by certain claimants or their agents, containing reflections upon the character of the umpire appointed by his Prussian majesty, pursuant to the convention between the United States and the Mexican republic, of the 11th of April, 1839. As the call was for all the communications which had been addressed to the department of state by any of the claimants under the convention, relative to the proceedings and progress of the mixed commission, the copies were prepared and submitted without attracting the attention either of the head of the department or myself. If those letters had been noticed, their transmission to the senate, if transmitted at all, would have been accompanied by a disclaimer, on the part of the executive, of any intention to approve such charges. The executive has no complaint to make against the conduct or decision of the highly-respectable person appointed by his sovereign umpire between the American and Mexican commissioners.

SECOND TARIFF VETO.

AUGUST 9, 1842.

To the House of Representatives of the United States:—

IT is with unfeigned regret that I find myself under the necessity of returning to the house of representatives, with my objections, a bill, entitled, "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes." Nothing can be more painful to any individual called upon to perform the

chief executive duties under our limited constitution, than to be constrained to withhold his assent from an important measure adopted by the legislature; yet he would neither fulfil the high purposes of his station, nor consult the true interests or the solemn will of the people, the common constituents of both branches of the government, by yielding his well-considered, most deeply-fixed, and repeatedly-declared opinions, on matters of great public concernment, to those of a co-ordinate department, without requesting that department seriously to re-examine the subject of their difference. The exercise of some independence of judgment, in regard to all acts of legislation, is plainly implied in the responsibility of approving them. At all times a duty, it becomes a peculiarly solemn and imperative one, when the subjects passed upon by Congress happen to involve, as in the present instance, the most momentous issues, to affect variously the various parts of a great country, and to have given rise in all quarters to such a conflict of opinion as to render it impossible to conjecture, with any certainty, on which side the majority really is. Surely, if the pause for reflection, intended by the wise authors of the constitution, by referring the subject back to Congress for reconsideration, be ever expedient and necessary, it is precisely such a case as the present.

On the subject of distributing the proceeds of the sales of the public lands, in the existing state of the finances, it has been my duty to make known my settled convictions on various occasions during the present session of Congress. At the opening of the extra session, upward of twelve months ago, sharing fully in the general hope of returning prosperity and credit, I recommended such a distribution; but that recommendation was even then expressly coupled with the condition that the duties on imports should not exceed the rate of twenty per cent., provided by the compromise act of 1833. These hopes were not a little encouraged, and these views strengthened, by the report of Mr. Ewing, then secretary of the treasury, which was shortly thereafter laid before Congress, in which he recommended the imposition of duties at the rate of twenty per cent., *ad valorem*, on all free articles, with specified exceptions, and stated, "if this measure be adopted, there will be received in the treasury, from customs, in the last quarter of the present year, 1841, five millions, three hundred thousand dollars; in all of the year 1842, about twenty-two millions, five hundred thousand dollars; and in the year 1843, after the final reduction under the act of March 2, 1833, about twenty millions of dollars;" and adds, "it is believed that, after the heavy expenditures required by the public service, in the present year, shall have been provided for, the revenue which will accrue from that or nearly a proximate rate of duty, will be sufficient to defray the expenses of the government, and leave a surplus, to be annually applied to the gradual payment of the national debt, leaving the proceeds of the public lands to be disposed of as Congress shall see fit." I was most happy that Congress, at the time, seemed entirely to concur in the recommendations of the executive, and anticipating the correctness of the secretary's conclusions, and in view of an actual surplus, passed the distribution act of the 4th September last, wisely limiting its operation by two conditions, having reference, both of them, to a possible state of the treasury different from that which had been anticipated by the secretary of the treasury, and to the paramount necessities of the public service. It ordained that "if, at any time during the existence of that act, there should be an imposition of duties on imports inconsistent with the provision of the act of the 2d of March, 1833, and beyond the rate of duties fixed

by that act, to wit, twenty per cent. on the value of such imports, or any of them, then the distribution should be suspended, and should continue so suspended, until that cause should be removed." By a previous clause, it had, in a like spirit of wise and cautious patriotism, provided for another case, in which all are even now agreed that the proceeds of the sales of the public lands should be used for the defence of the country. It was enacted that the act should continue and be in force until otherwise provided by law, unless the United States should become involved in war with any foreign power; in which event, from the commencement of hostilities, the act should be suspended until the cessation of hostilities.

Not long after the opening of the present session of Congress, the unprecedented and extraordinary difficulties that have recently embarrassed the finances of the country, began to assume a serious aspect. It soon became quite evident that the hopes under which the act of the 4th of September was passed, and which alone justified it in the eyes either of Congress who imposed, or of the executive who approved the first of the two conditions just recited, were not destined to be fulfilled. Under the pressure, therefore, of the embarrassments which had thus unexpectedly arisen, it appeared to me that the course to be pursued had been clearly marked out for the government by that act itself. The condition contemplated in it, as requiring a suspension of its operation, had occurred. It became necessary, in the opinions of all, to raise the rate of duties upon imports above twenty per cent.; and with a view both to provide available means to meet present exigencies, and to lay the foundation for a successful negotiation of a loan, I felt it incumbent on me to urge upon Congress to raise the duties accordingly, imposing them in a spirit of a wise discrimination, for the twofold object of affording ample revenue for the government, and incidental protection to the various branches of domestic industry. I also pressed, in the most emphatic, but respectful language I could employ, the necessity of making the land-sales available to the treasury, as the basis of public credit. I did not think that I could stand excused, much less justified, before the people of the United States, nor could I reconcile it to myself to recommend the imposition of additional taxes upon them, without, at the same time, urging the employment of all the legitimate means of the government toward satisfying its wants. These opinions were communicated in advance of any definitive action of Congress on the subject either of the tariff or land sales, under a high sense of public duty, and in compliance with an express injunction of the constitution; so that, if a collision, extremely to be deprecated as such collisions always are, has seemingly arisen between the executive and legislative branches of the government, it has assuredly not been owing to any capricious interference, or to any want of a plain and frank declaration of opinion on the part of the former. Congress differed in its views from those of the executive, as it had undoubtedly a right to do, and passed a bill virtually, for a time, repealing the proviso of the act of the 4th of September, 1841. The bill was returned to the house in which it originated, with my objections to its becoming a law. With a view to prevent, if possible, an open disagreement of opinion on a point so important, I took occasion to declare, that I regarded it as an indispensable prerequisite to an increase of duties above twenty per cent., that the act of the 4th of September should remain unrepealed in its provisions. My reasons for that opinion were elaborately set forth in the message which accompanied

the return of the bill, which no constitutional majority appears to have been found for passing into a law.

The bill which is now before me proposes, in its twenty-seventh section, the total repeal of one of the provisoes in the act of September, and, while it increases the duties above twenty per cent., directs an unconditional distribution of the land proceeds. I am therefore subjected a second time, in the period of a few days, to the necessity of either giving my approval to a measure which, in my deliberate judgment, is in conflict with great public interests, or of returning it to the house in which it originated, with my objections. With all my anxiety for the passage of a law which would replenish an exhausted treasury, and furnish a sound and healthy encouragement to mechanical industry, I can not consent to do so at the sacrifice of the peace and harmony of the country, and the clearest convictions of public duty.

For some of the reasons which have brought me to this conclusion, I refer to my previous messages to Congress, and briefly subjoin the following:—

1. The bill unites two subjects, which, so far from having any affinity to one another, are wholly incongruous in their character. It is both a revenue and an appropriation bill. It thus imposes on the executive, in the first place, the necessity of either approving that which he would reject, or rejecting that which he might otherwise approve. This is a species of constraint to which the judgment of the executive ought not, in my opinion, to be subjected. But that is not my only objection to the act, in its present form. The union of subjects wholly dissimilar in their character, in the same bill, if it grew into a practice, would not fail to lead to consequences destructive of all wise and conscientious legislation. Various measures, each agreeable only to a small minority, might, by being thus united (and the more, the greater chance of success), lead to the passing of laws, of which no single provision could, if standing alone, command a majority in its favor.

2. While the treasury is in a state of extreme embarrassment, requiring every dollar which it can make available, and when the government has not only to lay additioual taxes, but to borrow money to meet pressing demands, the bill proposes to give away a fruitful source of revenue, which is the same thing as raising money by loan and taxation, not to meet the wants of the government, but for distribution—a proceeding which I must regard as highly impolitic, if not unconstitutional.

A brief review of the present condition of the public finances will serve to illustrate the true condition of the treasury, and exhibit its actual necessities.

On the 5th of August (Friday last) there was in the treasury, in round numbers - - - - - - - - -		$2,150,000
Necessary to be retained to meet trust funds -	$360,000	
Interest on the public debt, due in October -	80,000	
To redeem treasury-notes and pay the interest -	100,000	
Land distribution, under the act of the 4th September, 1841 - - - - - - - -	640,000	
		$1,180,000
Leaving an available amount of - - - - - -		$970,000

The navy department had drawn requisitions on the treasury, at that

time, to meet debts actually due, among which are bills under protest for one million four hundred and fourteen thousand dollars, thus leaving an actual deficit of four hundred and forty thousand dollars.

There was on hand about one hundred thousand dollars of unissued treasury-notes, assisted by the accruing revenue, amounting to about one hundred and fifty thousand dollars per week, exclusive of receipts on unpaid bonds, to meet requisitions for the army, and the demands of the civil list.

The withdrawal of the sum of six hundred and forty thousand dollars, to be distributed among the states so soon as the statements and accounts can be made up and completed, by virtue of the provisions of the act of the 4th of September last, of which nearly a moiety goes to a few states, and only about three hundred and eighty-three thousand dollars is to be divided among all the states, while it adds materially to the embarrassments of the treasury, affords to the states no decided relief.

No immediate relief from this state of things is anticipated, unless, what would most deeply be deplored, the government could be reconciled to the negotiation of loans already authorized by law at a rate of discount ruinous in itself, and calculated most seriously to affect the public credit. So great is the depression of trade, that even if the present bill were to become a law, and prove to be productive, some time would elapse before sufficient supplies would flow into the treasury, while, in the meantime, its embarrassments would be continually augmented by the semi-annual distribution of the land proceeds.

Indeed, there is but too much ground to apprehend, that even if this bill were permitted to become a law, alienating as it does the proceeds of the land sales, an actual deficit in the treasury would occur, which would more than probably involve the necessity of a resort to direct taxation.

Let it be also remarked, that five millions five hundred thousand dollars of the public debt becomes redeemable in about two years and a half, which, at any sacrifice, must be met, while the treasury is always liable to demands for the payment of outstanding treasury-notes. Such is the gloomy picture which our financial department now presents, and which calls for the exercise of a rigid economy in the public expenditures, and the rendering available of all the means within the control of the government. I most respectfully submit whether this is a time to give away the proceeds of the land sales, when the public lands constitute a fund which, of all others, may be made most useful in sustaining the public credit. Can the government be generous and munificent to others when every dollar it can command is necessary to supply its own wants? And if Congress would not hesitate to suffer the provision of the act of the 4th of September last to remain unrepealed in case the country was involved in war, is not the necessity for such a course now just as imperative as it would be then?

3. A third object remains to be urged, which would be sufficient in itself to induce me to return the bill to the house, with my objections. By uniting two subjects so incongruous as tariff and distribution, it inevitably makes the fate of the one dependent upon that of the other in future contests of party. Can anything be more fatal to the merchant or manufacturer than such an alliance? What they most of all require is a system of moderate duties, so arranged as to withdraw the tariff question, as far as possible, completely from the arena of political contention. Their chief want is permanency and stability. Such an increase of the tariff I believe

to be necessary, in order to meet the economical expenditures of government. Such an increase, made in the spirit of moderation and judicious discrimination, would, I have no doubt, be entirely satisfactory to the great majority of the American people. In the way of accomplishing a measure so salutary, and so imperatively demanded by every public interest, the legislative department will meet with a cordial co-operation on the part of the executive. This is all that the manufacturer can desire, and it would be a burden readily borne by the people. But I can not too earnestly repeat that, in order to be beneficial, it must be permanent; and in order to be permanent, it must command general acquiescence. But can such permanency be justly hoped for if the tariff question be coupled with that of distribution, as to which a serious conflict of opinion exists among the states and the people, and which enlists in its support a bare majority, if, indeed, there be a majority, of the two houses of Congress? What permanency or stability can attach to a measure which, warring upon itself, gives away a fruitful source of revenue at the moment it proposes a large increase of taxes on the people? Is the manufacturer prepared to stake himself and his interests upon such an issue?

I know that it is urged, but most erroneously, in my opinion, that instability is just as apt to be produced by retaining the public lands as a source of revenue as from any other cause; and this is ascribed to a constant fluctuation, as it is said, in the amount of sales. If there were anything in this objection, it equally applies to every imposition of duties on imports. The amount of revenue annually derived from duties is constantly liable to change. The regulations of foreign governments, the varying productiveness of other countries, periods of excitement in trade, and a great variety of other circumstances, are constantly arising to affect the state of commerce, foreign and domestic, and, of consequence, the revenue levied upon it. The sales of the public domain, in ordinary times, are regulated by fixed laws, which have their basis in a demand increasing only in the ratio of the increase of population. In recurring to the statistics connected with this subject, it will be perceived that, for a period of ten years preceding 1834, the average amount of land sales did not exceed two millions of dollars. For the increase which took place in 1834, 1835, and 1836, we are to look to that peculiar condition of the country which grew out of one of the most extraordinary excitements in business and speculation that has ever occurred in the history of commerce and currency. It was the fruit of a wild spirit of adventure, engendered by a vicious system of credits, under the evils of which the country is still laboring, and which it is fondly hoped will not soon recur. Considering the vast amount of investments made by private individuals in the public lands during those three years, and which equalled forty-three millions of dollars, equal to more than twenty years' purchase, taking the average of sales of the ten preceding years, it may be safely asserted that the result of the public land sales can hold out nothing to alarm the manufacturer with the idea of instability in the revenues, and, consequently in the course of the government.

Under what appears to me, therefore, the soundest considerations of public policy, and in view of the interests of every branch of domestic industry, I return you the bill, with these my objections to its becoming a law.

I take occasion emphatically to repeat my anxious desire to co-operate with Congress in the passing of a law which, while it shall assist in supplying the wants of the treasury and re-establish public credit, shall afford

to the manufacturing interests of the country all the incidental protection they require.

After all, the effect of what I do is substantially to call on Congress to reconsider the subject. If, on such reconsideration, a majority of two thirds of both houses should be in favor of this measure, it will become a law, notwithstanding my objections. In a case of clear and manifest error on the part of the president, the presumption of the constitution is, that such majorities will be found. Should they be so found in this case, having conscientiously discharged my own duty, I shall cheerfully acquiesce in the result.

WASHINGTON TREATY MESSAGE.

AUGUST 11, 1842.

To the Senate of the United States:—

I HAVE the satisfaction to communicate to the senate the results of the negotiations recently had in this city with the British minister, special and extraordinary.

These results comprise—

1. A treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic majesty in North America, for the suppression of the African slave-trade, and the surrender of criminals, fugitives from justice, in certain cases.

2. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant-vessels driven by stress of weather, or carried by violence, into the ports of those colonies.

3. A correspondence upon the subject of the attack and destruction of the steamboat Caroline.

4. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the senate, it will terminate a difference respecting boundary which has long subsisted between the two governments—has been the subject of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the existing peace. Both the United States and the states more immediately concerned, have entertained no doubt of the validity of the American title to all the territory which has been in dispute; but that title was controverted, and the government of the United States had agreed to make the dispute the subject of arbitration. One arbitration had been actually had, but had failed to settle the controversy; and it was found, at the commencement of last year, that a correspondence had been in progress between the governments for a joint commission, with an ultimate reference to an umpire or arbitrator, with authority to make a final decision. That correspondence, however, had been retarded by various occurrences, and had come to no definite result when the special mission of Lord Ashburton was announced. This movement on the part of England afforded, in the judgment of the executive, a favorable opportunity for making an attempt to settle this long-existing controversy by some agreement or treaty without further reference to arbitration.

It seemed entirely proper that, if this purpose were entertained, consul-

tation should be had with the authorities of the states of Maine and Massachusetts. Letters, therefore, of which copies are herewith communicated, were addressed to the governors of those states, suggesting that commissioners should be appointed by each of them respectively, to repair to this city and confer with the authorities of this government on a line by agreement or compromise, with its equivalents and compensations. This suggestion was met by both states in a spirit of candor and patriotism, and promptly complied with. Four commissioners on the part of Maine, and three on the part of Massachusetts, all persons of distinction and high char acter, were duly appointed and commissioned, and lost no time in presenting themselves at the seat of the government of the United States. These commissioners have been in correspondence with this government during the period of the discussions ; have enjoyed its confidence and freest communications ; have aided the general object with their counsel and advice ; and, in the end, have unanimously signified their assent to the line proposed in the treaty.

Ordinarily, it would be no easy task to reconcile and bring together such a variety of interests in a matter in itself difficult and perplexed ; but the efforts of the government, in attempting to accomplish this desirable object, have been seconded and sustained by a spirit of accommodation and conciliation on the part of the states concerned, to which much of the success of these efforts is to be ascribed.

Connected with the settlement of the line of the northeastern boundary, so far as it respects the states of Maine and Massachusetts, is the continuation of that line along the highlands to the northwesternmost head of Connecticut river. Which of the sources of that stream is entitled to this character, has been matter of controversy, and of some interest to the state of New Hampshire. The king of the Netherlands decided the main branch to be the northwesternmost head of the Connecticut. This did not satisfy the claim of New Hampshire. The line agreed to in the pres ent treaty follows the highlands to the head of Hall's stream, and thence down that river, embracing the whole claim of New Hampshire, and establishing her title to one hundred thousand acres of territory more than she would have had by the decision of the king of the Netherlands.

By the treaty of 1783, the line is to proceed down the Connecticut river to the forty-fifth degree of north latitude, and thence west by that parallel till it strikes the St. Lawrence. Recent examinations having ascertained that the line heretofore received as the true line of latitude between those points was erroneous, and that the correction of this error would not only leave, on the British side, a considerable tract of territory heretofore supposed to belong to the states of Vermont and New York, but also Rouse's Point, the site of a military work of the United States, it has been regarded as an object of importance, not only to establish the rights and jurisdiction of those states up to the line which they have been considered to extend, but also to comprehend Rouse's Point within the territory of the United States. The relinquishment by the British government of all the territory south of the line heretofore considered to be the true line, has been obtained, and the consideration for this relinquishment is to enure, by the provisions of the treaty, to the states of Maine and Massachusetts.

The line of boundary, then, from the source of the St. Croix to the St. Lawrence, so far as Maine and Massachusetts are concerned, is fixed by their own consent, and for considerations satisfactory to them ; the chief of these considerations being the privilege of transporting the lumber and

agricultural products grown and raised in Maine on the waters of the St. John's and its tributaries down that river to the ocean, free from imposition or disability. The importance of this privilege, perpetual in its terms, to a country covered at present by pine-forests of great value, and much of it capable hereafter of agricultural improvement, is not a matter upon which the opinion of intelligent men is likely to be divided.

So far as New Hampshire is concerned, the treaty secures all that she requires, and New York and Vermont are quieted to the extent of their claim and occupation. The difference which would be made in the northern boundary of these two states, by correcting the parallel of latitude, may be seen in Tanner's maps (1836), new atlas, numbers six and nine.

From the intersection of the forty-fifth degree of north latitude with the St. Lawrence, and along that river and the lakes to the water communication between Lake Huron and Lake Superior, the line was definitively agreed on by the commissioners of the two governments, under the sixth article of the treaty of Ghent. But between this last-mentioned point and the lake of the Woods, the commissioners acting under the seventh article of that treaty found several matters of disagreement, and therefore made no joint report to their respective governments. The first of these was Sugar island, or St. George's island, lying in St. Mary's river, or the water communication between Lakes Huron and Superior. By the present treaty, this island is embraced in the territories of the United States. Both from soil and position, it is regarded as of much value.

Another matter of difference was the manner of extending the line from the point at which the commissioners arrived, north of the Isle Royale, in Lake Superior, to the lake of the Woods. The British commissioner insisted on proceeding to the Fond du Lac, at the southwest angle of the lake, and thence by the river St. Louis to the Rainy lake. The American commissioner supposed the true course to be to proceed by way to the Dog river. Attempts were made to compromise this difference, but without success. The details of these proceedings are found at length in the printed separate reports of the commissioners.

From the imperfect knowledge of this remote country, at the date of the treaty of peace, some of the descriptions in that treaty do not harmonize with its natural features as now ascertained. "Long lake" is nowhere to be found under that name. There is reason for supposing, however, that the sheet of water intended by that name is the estuary at the mouth of Pigeon river. The present treaty adopts, therefore, that estuary and river, and afterward pursues the usual route across the height of land by the various portages and small lakes, till the line reaches Rainy lake; from which the commissioners agreed on the extension of it to its termination, in the northwest angle of the lake of the Woods. The region of country on and near the shore of the lake, between Pigeon river on the north, and Fond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included within the United States. It embraces a territory of four millions of acres, northward of the claim set up by the British commissioners under the treaty of Ghent. From the height of land at the head of Pigeon river, westerly to the Rainy lake, the country is understood to be of little value, being described by surveyors and marked on the map as a region of rock and water.

From the northwest angle of the lake of the Woods, which is found to be in latitude forty-five degrees, twenty-three minutes, fifty-five seconds north,

existing treaties require the line to be run due south to its intersection with the forty-fifth parallel, and thence along that parallel to the Rocky mountains.

After sundry informal communications with the British minister upon the subject of the claims of the two countries to the territory west of the Rocky mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation to be entered upon between this government and the British minister, as part of his duties under his special mission.

By the treaty of 1783, the line of division along the rivers and lakes from the place where the forty-fifth parallel of north latitude strikes the St. Lawrence, to the outlet of Lake Superior, is invariably to be drawn through the middle of such waters, and not through the middle of their main channels. Such a line, if extended according to the literal terms of the treaty, would, it is obvious, occasionally intersect islands. The manner in which the commissioners of the two governments dealt with this subject, may be seen in their reports. But where the line, thus following the middle of the river, or water-course, did not meet with islands, yet it was liable sometimes to leave the only practicable navigable channel altogether on one side. The treaty made no provision for the common use of the waters by the citizens and subjects of both countries.

It has happened, therefore, in a few instances, that the use of the river, in particular places, would be greatly diminished to one party or the other, if, in fact, there was not a choice in the use of channels and passages.

Thus at the Long Sault, in the St. Lawrence, a dangerous passage, practicable only for boats, the only safe run is between the Long Sault islands and Barnhart's island (all which belong to the United States) on one side, and the American shore on the other. On the other hand, by far the best passage for vessels for any depth of water, from Lake Erie into the Detroit river, is between Bois Blanc, a British island, and the Canadian shore. So, again, there are several channels or passages, of different degrees of facility and usefulness, between the several islands in the river St. Clair, at or near its entry to the lake of that name. In these three cases, the treaty provides that all the several channels and passages shall be free and open to the use of the citizens and subjects of both parties.

The treaty obligations subsisting between the two countries for the suppression of the African slave-trade, and the complaints made to this government within the last three or four years, many of them but too well founded, of the visitation, seizure, and detention of American vessels on that coast by British cruisers, could not but form a delicate and highly-important part of the negotiations which have now been held.

The early and prominent part which the government of the United States has taken, for the abolition of this unlawful and inhuman traffic, is well known. By the tenth article of the treaty of Ghent, it is declared that the traffic in slaves is irreconcilable with the principles of humanity and justice, and that both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition; and it is thereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object. The government of the United States has, by law, declared the African slave-trade, piracy; and at its suggestion, other na-

tions have made similar enactments. It has not been wanting in honest and zealous efforts, made in conformity with the wishes of the whole country, to accomplish the entire abolition of the traffic in slaves upon the African coast; but these efforts, and those of other countries, directed to the same end, have proved to a considerable degree, unsuccessful. Treaties are known to have been entered into, some years ago, between England and France, by which the former power, which usually maintains a large naval force on the African station, was authorized to seize, and bring in for adjudication, vessels found engaged in the slave-trade under the French flag.

It is known, that in December last, a treaty was signed in London, by the representatives of England, France, Russia, Prussia, and Austria, having, for its professed object, a strong and united effort of the five powers to put an end to the traffic. This treaty was not officially communicated to the government of the United States, but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

No application or request has been made to this government, to become party to this treaty; but the course it might take in regard to it has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions, and great political excitement.

In my message at the commencement of the present session of Congress, I endeavored to state the principles which this government supports, respecting the right of search, and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, that it should execute its own laws, and perform its own obligations, by its own means and its own power.

The examination or visitation of the merchant-vessels of one nation by the cruisers of another, for any other purpose except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant-vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag, upon the seas, as they exist and are defined by the laws of nations, to enter into the articles now submitted to the senate.

The treaty which I now submit to you, proposes no alteration, mitigation, or modification of the rules of the laws of nations. It provides simply that each of the two governments shall maintain on the coast of Africa a sufficient squadron to enforce separately and respectively, the laws, rights, and obligations of the two countries, for the suppression of the slave-trade.

Another consideration of great importance has recommended this mode of fulfilling the duties and obligations of the country. Our commerce along the western coast of Africa is extensive, and supposed to be increasing. There is reason to think, that in many cases, those engaged in it have met with interruptions and annoyances, caused by the jealousy and

instigation of rivals engaged in the same trade. Many complaints on this subject have reached the government. A respectable naval force on the coast, is the natural resort and security against further occurrences of this kind.

The surrender to justice of persons who, having committed high crimes, seek asylum in the territories of a neighboring nation, would seem to be an act due to the cause of general justice, and properly belonging to the present state of civilization and intercourse. The British provinces of North America are separated from the states of the Union by a line of several thousand miles, and along portions of this line the amount of population on either side is quite considerable, while the passage of the boundary is always easy.

Offenders against the law on the one side, transfer themselves to the other. Sometimes, with great difficulty, they are brought to justice, but very often they wholly escape. A consciousness of immunity, from the power of avoiding justice in this way, instigates the unprincipled and reckless to the commission of offences, and the peace and the good neighborhood of the border are consequently often disturbed.

In the case of offenders fleeing from Canada into the United States, the governors of states are often applied to for their surrender, and questions of a very embarrassing nature arise from these applications. It has been thought highly important, therefore, to provide for the whole case by a proper treaty stipulation. The article on the subject, in the proposed treaty, is carefully confined to such offences as all mankind agree to regard as heinous, and destructive to the security of life and property. In this careful and specific enumeration of crimes, the object has been to exclude all political offences, or criminal charges, arising from wars, or intestine commotions. Treason, misprision of treason, libels, desertion from military service, and other offences of similar character, are excluded.

And, lest some unforeseen inconvenience or unexpected abuses should arise from the stipulation, rendering its continuance, in the opinion of one or both of the parties, not longer desirable, it is left in the power of either to put an end to it at will. The destruction of the steamboat Caroline, at Schlosser, four or five years ago, occasioned no small degree of excitement at the time, and became the subject of correspondence between the two governments. That correspondence having been suspended for a considerable period, was renewed in the spring of last year, but no satisfactory result having been arrived at, it was thought proper, though the occurrence had ceased to be fresh and recent, not to omit attention to it on the present occasion. It has only been so far discussed in the correspondence now submitted, as it was accomplished by a violation of the territory of the United States. The letter of the British minister, while he attempts to justify that violation upon the ground of a pressing and overruling necessity, admitting, nevertheless, that even if justifiable, an apology was due for it, and accompanying this acknowledgment with assurances of the sacred regard of his government for the inviolability of national territory, has seemed to me sufficient to warrant forbearance from any further remonstrance against what took place, as an aggression on the soil and territory of the country. On the subject of the interference of the British authorities in the West Indies, a confident hope is entertained, that the correspondence which has taken place, showing the grounds taken by this government, and the engagements entered into by the British minister, will

be found such as to satisfy the just expectation of the people of the United States.

The impressment of seamen from merchant-vessels of this country, by British cruisers, although not practised in time of peace, and therefore not at present a productive cause of difference and irritation, has, nevertheless, hitherto been so prominent a topic of controversy, and is so likely to bring on renewed contentions at the first breaking out of a European war, that it has been thought the part of wisdom now to take it into serious and earnest consideration. The letter from the secretary of state to the British minister, explains the grounds which the government has assumed, and the principles which it means to uphold. For the defence of these grounds, and the maintenance of these principles, the most perfect reliance is placed on the intelligence of the American people, and on their firmness and patriotism, in whatever touches the honor of the country, or its great and essential interests.

SPECIAL MESSAGE.

AUGUST 23, 1842.

To the Senate of the United States:—

A RESOLUTION of the senate, of the 21st of June last, requested the president to communicate to the senate, so far as he might deem it compatible with the public interests, what measures, if any, had been taken to obtain the recognition, by the Mexican government, of such claims of American citizens as were laid before the late joint commission, but were not finally acted on by it, and the satisfaction of such claims as were admitted by said commission; also, whether any facts had come to his knowledge calculated to induce a belief that any such claims had been rejected in consequence of the evidence thereof having been withheld by the Mexican government, its officers, or agents; and any other information which he might deem it expedient to communicate relative to said claims; and another resolution of the 6th instant requested the president, so far as he might deem it compatible with the public service, to communicate to the senate the measures taken to obtain the performance of the stipulations contained in the convention with Mexico, in relation to the awards made by the commissioners and umpire under said convention.

In the present state of the correspondence and of the relations between the two governments on these important subjects, it is not deemed consistent with the public interest to communicate the information requested. The business engages earnest attention, and will be made the subject of a full communication to Congress at the earliest practicable period.

PROTEST.

AUGUST 30, 1842.

To the House of Representatives of the United States :—

By the constitution of the United States, it is provided that " every bill which shall have passed the house of representatives and the senate shall, before it become a law, be presented to the president of the United States ; if he approve, he shall sign it ; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it."

In strict compliance with the positive obligation thus imposed upon me by the constitution, not having been able to bring myself to approve a bill which originated in the house of representatives, entitled, " An act to provide revenue from imports, and for other purposes," I returned the same to the house, with my objections to its becoming a law. These objections, which had entirely satisfied my mind of the great impolicy, if not the unconstitutionality, of the measure, were presented in the most respectful, and even deferential terms. I would not have been so far forgetful of what was due from one department of the government to another as to have intentionally employed, in my official intercourse with the house, any language that could be, in the slightest degree, offensive to those to whom it was addressed. If, in assigning my objections to the bill, I had so far forgotten what was due to the house of representatives, as to impugn its motives in passing the bill, I should owe, not only to that house, but to the country, my most profound apology. Such departure from propriety is, however, not complained of in any proceeding which the house has adopted. It has, on the contrary, been expressly made a subject of remark, and almost of complaint, that the language in which my dissent was couched was studiedly guarded and cautious.

Such being the character of the official communication in question, I confess I was wholly unprepared for the course which has been pursued in regard to it. In the exercise of the power to regulate its own proceedings, the house, for the first time, it is believed, in the history of the government, thought proper to refer the message to a select committee of its own body, for the purpose (as my respect for the house would have compelled me to infer) of deliberately weighing the objections urged against the bill by the executive, with a view to its own judgment upon the question of the final adoption or rejection of the measure.

Of the temper and feelings in relation to myself of some of the members selected for the performance of this duty, I have nothing to say. That was a matter entirely within the discretion of the house of representatives. But that committee taking a different view of its duty from that which I should have supposed had led to its creation, instead of confining itself to the objections urged against the bill, availed itself of the occasion formally to arraign the president for others of his acts since his induction into office. In the absence of all proof, and, as I am bound to declare, against all law or precedent in parliamentary proceedings, and, at the same time, in a manner which would be difficult to reconcile with the comity hitherto sacredly observed in the intercouse between independent and co-ordinate departments of the government, it has assailed my whole official conduct, without a shadow of a pretext for such assault ; and, stopping short of im-

peachment, has charged me, nevertheless, with offences declared to deserve impeachment.

Had the extraordinary report which the committee thus made to the house been permitted to remain without the sanction of the latter, I should not have uttered a regret or complaint upon the subject. But, unaccompanied as it is by any particle of testimony to support the charges it contains, without a deliberate examination, almost without any discussion, the house of representatives has been pleased to adopt it as its own, and thereby to become my accuser before the country and before the world. The high character of such an accuser, the gravity of the charges which have been made, and the judgment pronounced against me by the adoption of the report upon a distinct and separate vote of the house, leave me no alternative but to enter my solemn protest against the proceeding, as unjust to myself as a man, as an invasion of my constitutional powers of chief magistrate of the American people, and as a violation, in my person, of rights secured to every citizen by the laws and the constitution. That constitution has intrusted to the house of representatives the sole power of impeachment. Such impeachment is required to be tried before the most august tribunal known to our institutions.

The senate of the United States, composed of the representatives of the sovereignty of the states, is converted into a hall of justice; and, in order to insure the strictest observance of the rules of evidence and of legal procedure, the chief-justice of the United States, the highest judicial functionary of the land, is required to preside over its deliberations. In the presence of such judicatory, the voice of faction is presumed to be silent, and the sentence of guilt or innocence is pronounced under the most solemn sanctions of religion, of honor, and of law. To such a tribunal does the constitution authorize the house of representatives to carry up its accusations against any chief of the executive department whom it may believe to be guilty of high crimes and misdemeanors. Before that tribunal the accused is confronted with his accusers, and may demand the privilege, which the justice of the common law secures to the humblest citizen, of a full, patient, and impartial inquiry into the facts, upon the testimony of witnesses rigidly examined, and deposing in the face of day. If such a proceeding had been adopted toward me, unjust as I certainly should have regarded it, I should, I trust, have met, with a becoming constancy, a trial as painful as it would have been undeserved. I would have manifested, by a profound submission to the laws of my country, my perfect faith in her justice; and, relying on the purity of my motives and the rectitude of my conduct, should have looked forward with confidence to a triumphant refutation in the presence of that country, and by the solemn judgment of such a tribunal, not only of whatever charges might have been formally preferred against me, but of all the calumnies of which I have hitherto been the unresisting victim.

As it is, I have been accused without evidence, and condemned without a hearing. As far as such proceedings can accomplish it, I am deprived of public confidence in the administration of the government, and denied even the boast of a good name—a name transmitted to me from a patriot father, prized as my proudest inheritance, and carefully preserved for those who are to come after me, as the most precious of all earthly possessions. I am not only subjected to imputations affecting my character as an individual, but am charged with offences against the country so grave and so heinous, as to deserve public disgrace and disfranchisement,

I am charged with violating pledges which I never gave; and because I execute what I believe to be the law, with usurping powers not conferred by law; and, above all, with using the powers conferred upon the president by the constitution from corrupt motives and for unwarrantable ends. And these charges are made without any particle of evidence to sustain them, and, as I solemnly affirm, without any foundation in truth.

Why is a proceeding of this sort adopted at this time? Is the occasion for it found in the fact, that having been elected to the second office under the constitution, by the free and voluntary suffrages of the people, I have succeeded to the first, according to the express provisions of the fundamental law of the same people? It is true that the succession of the vice-president to the chief magistracy has never occurred before, and that all prudent and patriotic minds have looked on this new trial of the wisdom and stability of our institutions with a somewhat anxious concern. I have been made to feel too sensibly the difficulties of my unprecedented position, not to know all that is intended to be conveyed in the reproach cast upon a president without a party. But I found myself placed in this most responsible station by no usurpation or contrivance of my own. I was called to it, under Providence, by the supreme law of the land, and the deliberately-declared will of the people. It is by these, the people, that I have been clothed with the high powers which they have seen fit to confide to their chief executive, and been charged with the solemn responsibility under which those powers are to be exercised. It is to them I hold myself answerable, as a moral agent, for a free and conscientious discharge of the duties which they have imposed upon me. It is not as an individual merely that I am now called upon to resist the encroachment of unconstitutional power. I represent the executive authority of the people of the United States; and it is in their name (whose mere agent and servant I am, and whose will, declared in their fundamental law, I dare not, even were I inclined, to disobey) that I protest against every attempt to break down the undoubted constitutional power of this department, without a solemn amendment of the fundamental law.

I am determined to uphold the constitution in this, as in other respects, to the utmost of my ability, and in defiance of all personal consequences. What may happen to an individual is of little importance; but the constitution of the country, or any of its great and clear principles and provisions, is too sacred to be surrendered, under any circumstances whatever, by those who are charged with its protection and defence. Least of all should he be held guiltless who, placed at the head of one of the great departments of the government, should shrink from the exercise of its unquestionable authority on the most important occasions; and should consent, without a struggle, to efface all the barriers so carefully created by the people to control and circumscribe the powers confided to their various agents. It may be desirable, as the majority of the house of representatives has declared it is, that no such checks upon the will of the legislature should be suffered to continue. This is a matter for the people and the states to decide; but until they shall have decided it, I shall feel myself bound to execute, without fear or favor, the law as it has been written by our predecessors.

I protest against this whole proceeding of the house of representatives as *ex parte* and *extra judicial*. I protest against it, as subversive of the common right of all citizens to be condemned only upon a fair and impartial trial, according to law and evidence, before the country. I protest against

it, as destructive of all the comity of intercourse between the departments of this government, and destined, sooner or later, to lead to conflicts fatal to the peace of the country and the integrity of the constitution. I protest against it, in the name of that constitution, which is not only my own shield of protection and defence, but that of every American citizen. I protest against it, in the name of the people, by whose will I stand where I do, and by whose authority I exercised the power which I am charged with having usurped, and to whom I am responsible for the firm and faithful discharge, according to my own convictions of duty, of the high stewardship confided to me by them. I protest against it, in the name of all regulated liberty, and all limited government, as a proceeding tending to the utter destruction of the checks and balances of the constitution, and the accumulating in the hands of the house of representatives, or a bare majority of Congress, for the time being, an uncontrolled and despotic power. And I respectfully ask that this, my protest, may be entered upon the journal of the house of representatives, as a solemn and formal declaration, for all time to come, of the injustice and unconstitutionality of such a proceeding.

SECOND ANNUAL MESSAGE.

DECEMBER 7, 1842.

To the Senate and House of Representatives of the United States :—

WE have continued reason to express our profound gratitude to the great Creator of all things, for numberless benefits conferred upon us as a people. Blessed with genial seasons, the husbandman has his garners filled with abundance, and the necessaries of life, not to speak of its luxuries, abound in every direction. While in some other nations, steady and industrious labor can hardly find the means of subsistence, the greatest evil which we have to encounter is a surplus of production beyond the home demand, which seeks, and with difficulty finds, a partial market in other regions. The health of the country, with partial exceptions, has for the past year been well preserved; and under their free and wise institutions, the United States are rapidly advancing toward the consummation of the high destiny which an overruling Providence seems to have marked out for them. Exempt from domestic convulsion, and at peace with all the world, we are left free to consult as to the best means of securing and advancing the happiness of the people. Such are the circumstances under which you now assemble in your respective chambers, and which should lead us to unite in praise and thanksgiving to that great Being who made us, and who preserves us as a nation.

I congratulate you, fellow-citizens, on the happy change in the aspect of our foreign affairs, since my last annual message. Causes of complaint at that time existed between the United States and Great Britain, which, attended by irritating circumstances, threatened most seriously the public peace. The difficulty of adjusting amicably the questions at issue between the two countries, was, in no small degree, augmented by the lapse of time since they had their origin. The opinions entertained by the executive on several of the leading topics in dispute, were frankly set

forth in the message at the opening of your late session. The appointment of a special minister by Great Britain to the United States, with power to negotiate upon most of the points of difference, indicated a desire on her part amicably to adjust them, and that minister was met by the executive in the same spirit which had dictated his mission. The treaty consequent thereon, having been duly ratified by the two governments, a copy, together with the correspondence which accompanied it, is herewith communicated. I trust that while you may see in it nothing objectionable, it may be the means of preserving, for an indefinite period, the amicable relations happily existing between the two governments. The question of peace or war between the United States and Great Britain, is a question of the deepest interest, not only to themselves but to the civilized world, since it is scarcely possible that a war could exist between them, without endangering the peace of Christendom. The immediate effect of the treaty upon ourselves, will be felt in the security afforded to mercantile enterprise, which, no longer apprehensive of interruption, adventures its speculations in the most distant seas, and, freighted with the diversified productions of every land, returns to bless our own. There is nothing in the treaty which, in the slightest degree, compromits the honor or dignity of either nation. Next to the settlement of the boundary line, which must always be a matter of difficulty between states, as between individuals, the question which seemed to threaten the greatest embarrassment was that connected with the African slave-trade. By the tenth article of the treaty of Ghent, it was expressly declared, that, "Whereas, the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas, both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object." In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up on the part of its cruisers, of subjecting to visitation ships sailing under the American flag, which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the government. And although Lord Aberdeen, in his correspondence with the American envoys at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire, yet it could not well be discerned by the executive of the United States, how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the right of search, presented only in a new form, and expressed in different words; and I therefore felt it to be my duty distinctly to declare, in my annual message to Congress, that no such concession could be made, and that the United States had both the will and the ability to enforce their own laws, and to protect their flag from being used for purposes wholly forbidden by those laws, and obnoxious to the moral censure of the world.

Taking the message as his letter of instructions, our then minister at Paris felt himself required to assume the same ground in a remonstrance which he felt it to be his duty to present to M. Guizot, and through him to the king of the French, against what has been called the quintuple treaty; and his conduct, in this respect, met with the approval of this government. In close conformity with these views, the eighth article of

the treaty was framed, which provides that "each nation shall keep afloat, in the African seas, a force not less than eighty guns, to act separately and apart, under instructions from their respective governments, and for the enforcement of their respective laws and obligations." From this it will be seen that the ground assumed in the message has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries, and that all pretence is removed for interference with our commerce for any purpose whatever, by a foreign government. While, therefore, the United States have been standing up for the freedom of the seas, they have not thought proper to make that a pretext for avoiding a fulfilment of their treaty stipulations, or a ground for giving countenance to a trade reprobated by our laws. A similar arrangement by the other great powers, could not fail to sweep from the ocean the slave-trade, without the interpolation of any new principle into the maritime code. We may be permitted to hope that the example thus set will be followed by some, if not all of them. We thereby also afford suitable protection to the fair trader in those seas, thus fulfilling, at the same time, the dictates of sound policy, and complying with the claims of justice and humanity.

It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two governments. The territory of the United States, commonly called the Oregon territory, lying on the Pacific ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens, and the tide of population which has reclaimed what was so lately an unbroken wilderness, in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky mountains to the Pacific ocean. In advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two governments, to settle their respective claims. It became manifest at an early hour of the late negotiations, that any attempt, for the time being, satisfactorily to determine those rights, would lead to a protracted discussion, which might embrace in its failure other more pressing matters; and the executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, not so immediately pressing, stood in the way. Although the difficulty referred to may not for several years to come involve the peace of the two countries, yet I shall not delay to urge on Great Britain the importance of an early settlement. Nor will other matters of commercial importance to the two countries be overlooked; and I have good reason to believe that it will comport with the policy of England, as it does with that of the United States, to seize upon this moment, when most of the causes of irritation have passed away, to cement the peace and unity of the two countries by wisely removing all grounds of probable future collision.

With the other powers of Europe our relations continue on the most amicable footing. Treaties now existing with them should be rigidly observed, and every opportunity, compatible with the interests of the United States, should be seized upon to enlarge the basis of commercial intercourse. Peace with all the world is the true foundation of our policy, which can only be rendered permanent by the practice of equal and impartial justice to all. Our great desire should be to enter only into that

rivalry which looks to the general good, in the cultivation of the sciences, the enlargement of the field for the exercise of the mechanical arts, and the spread of commerce—that great civilizer—to every land and sea. Carefully abstaining from interference in all questions exclusively referring themselves to the political interests of Europe, we may be permitted to hope an equal exemption from the interference of European governments, in what relates to the states of the American continent.

On the 23d of April last, the commissioners on the part of the United States, under the convention with the Mexican republic, of the 11th of April, 1839, made to the proper department a final report in relation to the proceedings of the commission. From this it appears that the total amount awarded to the claimants by the commissioners and the umpire appointed under that convention, was two millions twenty-six thousand and seventy-nine dollars and sixty-eight cents. The arbiter having considered that his functions were required by the convention to terminate at the same time with those of the commissioners, returned to the board, undecided for want of time, claims which had been allowed by the American commissioners, to the amount of nine hundred and twenty-eight thousand six hundred and twenty dollars and eighty-eight cents. Other claims, in which the amount sought to be recovered was three millions three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, were submitted to the board too late for its consideration. The minister of the United States at Mexico has been duly authorized to make demand for the payment of the awards according to the terms of the convention, and the provisions of the act of Congress of the 12th of June, 1840. He has also been instructed to communicate to that government the expectations of the government of the United States in relation to those claims which were not disposed of according to the provisions of the convention, and all others of citizens of the United States against the Mexican government.

He has also been furnished with other instructions, to be followed by him in case the government of Mexico should not find itself in a condition to make the present payment of the amount of the awards, in specie or its equivalent.

I am happy to be able to say that information, which is esteemed favorable, both to a just satisfaction of the awards, and a reasonable provision for other claims, has been recently received from Mr. Thompson, the minister of the United States, who has promptly and efficiently executed the instructions of his government, in regard to this important subject.

The citizens of the United States who accompanied the late Texan expedition to Santa Fé, and who were wrongfully taken and held as prisoners-of-war in Mexico, have all been liberated.

A correspondence has taken place between the department of state and the Mexican minister of foreign affairs, upon the complaint of Mexico that citizens of the United States were permitted to give aid to the inhabitants of Texas in the war existing between her and that republic. Copies of this correspondence are herewith communicated to Congress, together with copies of letters on the same subject, addressed to the diplomatic corps at Mexico, by the American minister and the Mexican secretary of state.

Mexico has thought proper to reciprocate the mission of the United States to that government by accrediting to this a minister of the same

rank as that of the representative of the United States in Mexico. From the circumstances connected with his mission, favorable results are anticipated from it. It is so obviously for the interest of both countries as neighbors and friends, that all just causes of mutual dissatisfaction should be removed, that it is to be hoped neither will omit or delay the employment of any practicable and honorable means to accomplish that end.

The affairs pending between this government and several others of the states of this hemisphere formerly under the dominion of Spain, have again, within the past year, been materially obstructed by the military revolutions and conflicts in those countries.

The ratifications of the treaty between the United States and the republic of Ecuador, of the 13th of June, 1839, have been exchanged, and that instrument has been duly promulgated on the part of this government. Copies are now communicated to Congress, with a view to enable that body to make such changes in the laws applicable to our intercourse with that republic as may be deemed requisite.

Provision has been made by the government of Chili for the payment of the claim on account of the illegal detention of the brig Warrior at Coquimbo, 1820. This government has reason to expect that other claims of our citizens against Chili will be hastened to a final and satisfactory close.

The empire of Brazil has not been altogether exempt from those convulsions which so constantly afflict the neighboring republics. Disturbances which recently broke out are, however, now understood to be quieted. But these occurrences, by threatening the stability of the governments, or by causing incessant and violent changes in them, or in the persons who administer them, tend greatly to retard provisions for a just indemnity for losses and injuries suffered by individual subjects or citizens of other states. The government of the United States will feel it to be its duty, however, to consent to no delay, not unavoidable, in making satisfaction for wrongs and injuries sustained by its own citizens. Many years having, in some cases, elapsed, a decisive and effectual course of proceeding will be demanded of the respective governments against whom claims have been preferred.

The vexatious, harassing, and expensive war which so long prevailed with the Indian tribes inhabiting the peninsula of Florida, has happily been terminated: whereby our army has been relieved from a service of the most disagreeable character, and the treasury from a large expenditure. Some casual outbreaks may occur, such as are incident to the close proximity of border settlers and the Indians; but these, as in all other cases, may be left to the care of the local authorities, aided, when occasion may require, by the forces of the United States. A sufficient number of troops will be maintained in Florida so long as the remotest apprehensions of danger shall exist; yet their duties will be limited rather to the garrisoning of the necessary posts, than to the maintenance of active hostilities. It is to be hoped that a territory, so long retarded in its growth, will now speedily recover from the evils incident to a protracted war, exhibiting, in the increased amount of its rich productions, true evidences of returning wealth and prosperity. By the practice of rigid justice toward the numerous Indian tribes residing within our territorial limits, and the exercise of a parental vigilance over their interests, protecting them against fraud and intrusion, and at the same time using every proper expedient to introduce among them the arts of civilized life, we may fondly hope, not only to

wean them from their love for war, but to inspire them with a love of peace and all its avocations. With several of the tribes, great progress in civilizing them has already been made. The schoolmaster and the missionary are found side by side, and the remains of what were once numerous and powerful nations may yet be preserved as the builders-up of a new name for themselves and their posterity.

The balance in the treasury on the first of January, 1842 (exclusive of the amount deposited with the states, trust-funds, and indemnities), was two hundred and thirty thousand, four hundred and eighty-three dollars and sixty-eight cents. The receipts into the treasury during the first three quarters of the present year, from all sources, amount to twenty-six millions, six hundred and sixteen thousand, five hundred and ninty-three dollars and seventy-eight cents, of which more than fourteen millions were received from customs, and about one million from the public lands. The receipts for the fourth quarter are estimated at nearly eight millions; of which four millions are expected from customs, and three and a half millions from loans and treasury-notes. The expenditures of the first three quarters of the present year exceed twenty-six millions, and those estimated for the fourth quarter amount to about eight millions: and it is anticipated there will be a deficiency of half a million on the first of January next; but that the amount of outstanding warrants (estimated at three hundred thousand dollars) will leave an actual balance of about two hundred and twenty-four thousand dollars in the treasury Among the expenditures of the year, are more than eight millions for the public debt, and six hundred thousand dollars on account of the distribution to the states of the proceeds of sales of the public lands.

The present tariff of duties was somewhat hastily and hurriedly passed near the close of the late session of Congress. That it should have defects, can, therefore, be surprising to no one. To remedy such defects as may be found to exist in many of its numerous provisions, will not fail to claim your serious attention. It may well merit inquiry, whether the exaction of all duties in cash does not call for the introduction of a system which has proved highly beneficial in countries where it has been adopted. I refer to the warehousing system. The first and most prominent effect which it would produce, would be to protect the market alike against redundant or deficient supplies of foreign fabrics—both of which, in the long run, are injurious, as well to the manufacturer as the importer. The quantity of goods in store being at all times readily known, it would enable the importer, with an approach to accuracy, to ascertain the actual wants of the market, and to regulate himself accordingly. If, however, he should fall into error, by importing an excess above the public wants, he could readily correct its evils by availing himself of the benefits and advantages of the system thus established. In the storehouse, the goods imported would await the demands of the market, and their issues would be governed by the fixed principles of demand and supply. Thus an approximation would be made to a steadiness and uniformity of price, which, if attainable, would conduce to the decided advantage of mercantile and mechanical operations.

The apprehension may be well entertained, that without something to amelioriate the rigor of cash payments, the entire import trade may fall into the hands of a few wealthy individuals in this country and in Europe. The small importer, who requires all the money he can raise for investments abroad, and who can but ill afford to pay the lowest duty, would have to

subduct in advance a portion of his funds in order to pay the duties, and would lose the interest upon the amount thus paid for all the time the goods might remain unsold, which might absorb his profits. The rich capitalist, abroad as well as at home, would thus possess, after a short time, an almost exclusive monopoly of the import trade, and laws designed for the benefit of all would thus operate for the benefit of the few—a result wholly uncongenial with the spirit of our institutions, and anti-republican in all its tendencies. The warehousing system would enable the importer to watch the market, and to select his own time for offering his goods for sale. A profitable portion of the carrying-trade in articles entered for the benefit of drawback, must also be most seriously affected, without the adoption of some expedient to relieve the cash system. The warehousing system would afford that relief, since the carrier would have a safe recourse to the public storehouses, and might, without advancing the duty, reship within some reasonable period to foreign ports. A further effect of the measure would be to supersede the system of drawbacks, thereby effectually protecting the government against fraud, as the right of debentures would not attach to goods after withdrawal from the public stores.

In revising the existing tariff of duties, should you deem it proper to do so at your present session, I can only repeat the suggestions and recommendations which, upon several occasions, I have heretofore felt it to be my duty to offer to Congress. The great, primary, and controlling interest of the American people is union—union not only in the mere forms of government—forms which may be broken—but union founded in an attachment of states and individuals for each other. This union in sentiment and feeling can only be preserved by the adoption of that course of policy which, neither giving exclusive benefits to some, nor imposing unnecessary burdens upon others, shall consult the interests of all, by pursuing a course of moderation, and thereby seeking to harmonize public opinion, and causing the people everywhere to feel and to know that the government is careful of the interest of all alike. Nor is there any subject in regard to which moderation, connected with a wise discrimination, is more necessary than in the imposition of duties on imports. Whether reference be had to revenue, the primary object in the imposition of taxes, or to the incidents which necessarily flow from their imposition, this is entirely true. Extravagant duties defeat their end and object, not only by exciting in the public mind an hostility to the manufacturing interests, but by inducing a system of smuggling on an extensive scale, and the practice of every manner of fraud upon the revenue, which the utmost vigilance of government can not effectually suppress. An opposite course of policy would be attended by results essentially different, of which every interest of society, and none more than those of the manufacturer, would reap important advantages. Among the most striking of its benefits would be that derived from the general acquiescence of the country in its support, and the consequent permanency and stability which would be given to all operations of industry. It can not be too often repeated, that no system of legislation can be wise which is fluctuating and uncertain. No interest can thrive under it. The prudent capitalist will never adventure his capital in manufacturing establishments, or in any other leading pursuit of life, if there exists a state of uncertainty as to whether the government will repeal to-morrow what it has enacted to-day. Fitful profits, however high, if threatened with a ruinous reduction by a vacillating policy on the

part of government, will scarcely tempt him to trust the money which he has acquired by a life of labor, upon the uncertain adventure. I, therefore, in the spirit of conciliation, and influenced by no other desire than to rescue the great interests of the country from the vortex of political contention, and in the discharge of the high and solemn duties of the place which I now occupy, recommend moderate duties, imposed with a wise discrimination as to their several objects, as being not only most likely to be durable, but most advantageous to every interest of society.

The report of the secretary of the war department exhibits a very full and satisfactory account of the various and important interests committed to the charge of that officer. It is particularly gratifying to find that the expenditures for the military service are greatly reduced in amount—that a strict system of economy has been introduced into the service, and the abuses of past years greatly reformed. The fortifications on our maritime frontier have been prosecuted with much vigor, and at many points, our defences are in a very considerable state of forwardness. The suggestions in reference to the establishment of means of communication with our territories on the Pacific, and to the surveys so essential to a knowledge of the resources of the intermediate country, are entitled to the most favorable consideration. While I would propose nothing inconsistent with friendly negotiations, to settle the extent of our claims in that region, yet a prudent forecast points out the necessity of such measures as may enable us to maintain our rights. The arrangements made for preserving our neutral relations on the boundary between us and Texas, and keeping in check the Indians in that quarter, will be maintained so long as circumstances may require.

For several years, angry contentions have grown out of the disposition directed by law to be made of the mineral lands held by the government in several of the states. The government is constituted the landlord, and the citizens of the states wherein lie the lands, are its tenants. The relation is an unwise one, and it would be much more conducive to the public interest that a sale of the lands should be made, than that they should remain in their present condition. The supply of the ore would be more abundantly and certainly furnished, when to be drawn from the enterprise and the industry of the proprietor, than under the present system.

The recommendation of the secretary in regard to the improvement of western waters, and certain prominent harbors on the lakes, merits, and I doubt not will receive, your serious attention. The great importance of these subjects to the prosperity of the extensive region referred to, and the security of the whole country in time of war, can not escape observation. The losses of life and property which annually occur in the navigation of the Mississippi alone, because of the dangerous obstructions in the river, make a loud demand upon Congress for the adoption of efficient measures for the r removal. The report of the secretary of the navy will bring you acquainted with that important branch of the public defences. Considering the already vast and daily-increasing commerce of the country, apart from the exposure to hostile inroad of an extended seaboard, all that relates to the navy is calculated to excite particular attention. Whatever tends to add to its efficiency, without entailing unnecessary charges upon the treasury, is well worthy of your serious consideration. It will be seen that while an appropriation exceeding by less than a million the appropriations of the present year, is asked by the secretary, yet that in this

sum is proposed to be included four hundred thousand dollars, for the purpose of clothing, which, when once expended, will be annually reimbursed by the sale of the clothes, and will thus constitute a perpetual fund, without any new appropriation to the same object. To this may also be added fifty thousand dollars, to cover the arrearages of past years, and two hundred and fifty thousand dollars, in order to maintain a competent squadron on the coast of Africa; all of which, when deducted, will reduce the expenditures nearly within the limits of those of the current year. While, however, the expenditures will thus remain very nearly the same as of the antecedent year, it is proposed to add greatly to the operations of the marine, and in lieu of only twenty-five ships in commission, and but little in the way of building, to keep, with the same expenditure, forty-one vessels afloat, and to build twelve ships of a small class.

A strict system of accountability is established, and great pains are taken to insure industry, fidelity, and economy, in every department of duty. Experiments have been instituted to test the quality of various materials, particularly copper, iron, and coal, so as to prevent fraud and imposition.

It will appear, by the report of the postmaster-general, that the great point which, for several years, has been so much desired, has, during the current year, been fully accomplished. The expenditures of the department, for the current year, have been brought within its income without lessening its general usefulness. There has been an increase of revenue equal to one hundred and sixty-six thousand dollars for the year 1842 over that of 1841, without, as it is believed, any addition having been made to the number of letters and newspapers transmitted through the mails. The postoffice laws have been honestly administered, and fidelity has been observed in accounting for, and paying over, by the subordinates of the department, the moneys which have been received. For the details of the service, I refer you to the report.

I flatter myself that the exhibition thus made of the condition of the public administration will serve to convince you that every proper attention has been paid to the interests of the country by those who have been called to the heads of the different departments. The reduction in the annual expenditures of the government already accomplished furnishes a sure evidence that economy in the application of the public moneys is regarded as a paramount duty.

At peace with all the world; the personal liberty of the citizen sacredly maintained, and his rights secured under political institutions deriving all their authority from the direct sanction of the people; with a soil fertile almost beyond example, and a country blessed with every diversity of climate and production, what remains to be done in order to advance the happiness and prosperity of such a people? Under ordinary circumstances this inquiry could readily be answered. The best that probably could be done for a people inhabiting such a country, would be to fortify their peace and security in the prosecution of their various pursuits, by guarding them against invasion from without, and violence from within. The rest, for the greater part, might be left to their own energy and enterprise. The chief embarrassments which at the moment exhibit themselves, have arisen from over-action; and the most difficult task which remains to be accomplished is that of correcting and overcoming its effects. Between the years 1833 and 1838, additions were made to bank-capital and bank-issues, in the form of notes designed for circulation, to an extent

enormously great. The question seemed to be, not how the best currency could be provided, but in what manner the greatest amount of bank-paper could be put in circulation. Thus a vast amount of what was called money—since, for the time being, it answered the purposes of money—was thrown upon the country; an over-issue, which was attended, as a necessary consequence, by an extravagant increase of the prices of all articles of property, the spread of a speculative mania all over the country, and has finally ended in a general indebtedness on the part of states and individuals, the prostration of public and private credit, a depreciation in the market value of real and personal estate, and has left large districts of country almost entirely without any circulating medium. In view of the fact that, in 1830, the whole bank-note circulation within the United States amounted to but sixty-one millions, three hundred and twenty-three thousand, eight hundred and ninety-eight dollars, according to the treasury statements, and that an addition had been made thereto of the enormous sum of eighty-eight millions of dollars in seven years (the circulation on the 1st of January, 1837, being stated at one hundred and forty-nine millions, one hundred and eighty-five thousand, eight hundred and ninety dollars), aided by the great facilities afforded in obtaining loans from European capitalists, who were seized with the same speculative mania which prevailed in the United States—and the large importations of funds from abroad, the result of stock sales and loans—no one can be surprised at the apparent but unsubstantial state of prosperity which everywhere prevailed over the land; while as little cause of surprise should be felt at the present prostration of everything, and the ruin which has befallen so many of our fellow-citizens in the sudden withdrawal from circulation of so large an amount of bank-issues since 1837—exceeding, as is believed, the amount added to the paper currency for a similar period antecedent to 1837—it ceases to be a matter of astonishment that such extensive shipwreck should have been made of private fortunes, or that difficulties should exist in meeting their engagements on the part of the debtor states. Apart from which, if there be taken into account the immense losses sustained in the dishonor of numerous banks, it is less a matter of surprise that insolvency should have visited many of our fellow-citizens, than that so many should have escaped the blighting influences of the times.

In the solemn conviction of these truths, and with an ardent desire to meet the pressing necessities of the country, I felt it to be my duty to cause to be submitted to you, at the commencement of your late session, the plan of an exchequer, the whole power and duty of maintaining which, in purity and vigor, was to be exercised by the representatives of the people, and the states, and therefore virtually by the people themselves. It was proposed to place it under the control and direction of a treasury-board, to consist of three commissioners, whose duty should be to see that the law of its creation was faithfully executed, and that the great end of supplying a paper medium of exchange, at all times convertible into gold and silver, should be attained. The board thus constituted was given as much permanency as could be imparted to it, without endangering the proper share of responsibility which should attach to all public agents. In order to insure all the advantages of a well-matured experience, the commissioners were to hold their offices for the respective periods of two, four, and six years, thereby securing at all times in the management of the exchequer, the services of two men of experience; and to place them in a

condition to exercise perfect independence of mind and action, it was provided that their removal should only take place for actual incapacity or infidelity to the trust, and to be followed by the president with an exposition of the causes of such removal, should it occur. It was proposed to establish subordinate boards in each of the states, under the same limitations and restrictions of the power of removal, which, with the central board, should receive, safely keep, and disburse, the public moneys; and in order to furnish a sound paper medium of exchange, the exchequer should retain of the revenues of the government a sum not to exceed five millions of dollars in specie, to be set apart as required by its operations, and to pay the public creditor, at his own option, either in specie or treasury-notes of denominations not less than five, nor exceeding one hundred dollars, which notes should be redeemed at the several places of issue, and to be receivable at all times and everywhere in payment of government dues; with a restraint upon such issue of bills that the same should not exceed the *maximum* of fifteen millions of dollars. In order to guard against all the hazards incident to fluctuations in trade, the secretary of the treasury was invested with authority to issue five millions of dollars of government stock, should the same at any time be regarded as necessary, in order to place beyond hazard the prompt redemption of the bills which might be thrown into circulation; thus in fact making the issue of fifteen millions of dollars of exchequer bills rest substantially on ten millions of dollars; and keeping in circulation more than one and one half dollars for every dollar in specie. When to this it is added that the bills are not only everywhere receivable in government dues, but that the government itself would be bound for their ultimate redemption, no rational doubt can exist that the paper which the exchequer would furnish would readily enter into the general circulation, and be maintained at all times at or above par with gold or silver; thereby realizing the great want of the age, and fulfilling the wishes of the people. In order to reimburse the government the expenses of the plan, it was proposed to invest the exchequer with a limited authority to deal in bills of exchange, unless prohibited by the state in which an agency might be situated, having only thirty days to run, and resting on a fair and *bonafide* basis. The legislative will on this point might be so plainly announced, as to avoid all pretext for partiality or favoritism. It was furthermore proposed to invest this treasury agent with authority to receive on deposite, to a limited amount, the specie funds of individuals, and to grant certificates therefor, to be redeemed on presentation, under the idea, which is believed to be well founded, that such certificates would come in aid of the exchequer bills in supplying a safe and ample paper circulation. Or, if in place of the contemplated dealings in exchange, the exchequer should be authorized, not only to exchange its bills for actual deposites of specie, but for specie or its equivalent to sell drafts, charging therefor a small but reasonable premium, I can not doubt but that the benefits of the law would be speedily manifested in the revival of the credit, trade, and business of the whole country. Entertaining this opinion, it becomes my duty to urge its adoption upon Congress, by reference to the strongest considerations of the public interests, with such alterations in its details as Congress may in its wisdom see fit to make.

I am well aware that this proposed alteration and amendment of the laws establishing the treasury department has encountered various objections, and that among others it has been proclaimed a government bank

of fearful and dangerous import. It is proposed to confer upon it no extraordinary powers. It purports to do no more than pay the debts of the government with the redeemable paper of the government—in which respect it accomplishes precisely what the treasury does daily at this time, in issuing to the public creditors the treasury-notes which, under law, it is authorized to issue. It has no resemblance to an ordinary bank, as it furnishes no profits to private stockholders, and lends no capital to individuals. If it be objected to as a government bank, and the objection be available—then should all the laws in relation to the treasury be repealed, and the capacity of the government to collect what is due to it, or pay what it owes, be abrogated.

This is the chief purpose of the proposed exchequer; and surely if, in the accomplishment of a purpose so essential, it affords a sound circulating medium to the country, and facilities to trade, it should be regarded as no slight recommendation of it to public consideration. Properly guarded by the provisions of law, it can run into no dangerous evil, nor can any abuse arise under it but such as the legislature itself will be answerable for, if it be tolerated; since it is but the creature of the law, and is susceptible at all times of modification, amendment, or repeal, at the pleasure of Congress. I know that it has been objected that the system would be liable to be abused by the legislature, by whom alone it could be abused in the party conflicts of the day. That such abuse would manifest itself in a change of the law which would authorize an excessive issue of paper for the purpose of inflating prices and winning popular favor. To that i may be answered, that the ascription of such a motive to Congress is altogether gratuitous and inadmissible. The theory of our institutions would lead us to a different conclusion. But a perfect security against a proceeding so reckless would be found to exist in the very nature of things. The political party which should be so blind to the true interests of the country as to resort to such an expedient, would inevitably meet with a final overthrow in the fact, that the moment the paper ceased to be convertible into specie, or otherwise promptly redeemed, it would become worthless, and would, in the end, dishonor the government, involve the people in ruin, and such political party in hopeless disgrace. At the same time, such a view involves the utter impossibility of furnishing any currency other than that of the precious metals; for, if the government itself can not forego the temptation of excessive paper issues, what reliance can be placed in corporations upon whom the temptation of individual aggrandizement would most strongly operate? The people would have to blame none but themselves for any injury that might arise from a course so reckless, since their agents would be the wrongdoers, and they the passive spectators.

There can be but three kinds of public currency. 1st, gold and silver; 2d, the paper of state institutions; or, 3d, a representative of the precious metals, provided by the general government, or under its authority. The sub-treasury system rejected the last in any form; and, as it was believed that no reliance could be placed on the issues of local institutions, for the purposes of general circulation, it necessarily and unavoidably adopted specie as the exclusive currency for its own use. And this must ever be the case unless one of the other kinds be used. The choice, in the present state of public sentiment, lies between an exclusive specie currency on the one hand, and government issues of some kind on the other. That these issues can not be made by a chartered institution, is supposed to be

conclusively settled. They must be made, then, directly by government agents. For several years past they have been thus made in the form of treasury-notes, and have answered a valuable purpose. Their usefulness has been limited by their being transient and temporary; their ceasing to bear interest at given periods, necessarily causes their speedy return, and thus restricts their range of circulation, and, being used only in the disbursements of the government, they can not reach those points where they are most required. By rendering their use permanent, to the moderate extent already mentioned, by offering no inducement for their return, and by exchanging them for coin and other values, they will constitute, to a certain extent, the general currency so much needed to maintain the internal trade of the country. And this is the exchequer plan, so far as it may operate in furnishing a currency.

I can not forego the occasion to urge its importance to the credit of the government in a financial point of view. The great necessity of resorting to every proper and becoming expedient in order to place the treasury on a footing of the highest respectability, is entirely obvious. The credit of the government may be regarded as the very soul of the government itself —a principle of vitality without which all its movements are languid, and all its operations embarrassed. In this spirit the executive felt itself bound by the most imperative sense of duty to submit to Congress, at its last session, the propriety of making a specific pledge of the land fund, as the basis for the negotiation of the loans authorized to be contracted. I then thought that such an application of the public domain would, without doubt, have placed at the command of the government ample funds to relieve the treasury from the temporary embarrassments under which it labored. American credit has suffered a considerable shock in Europe, from the large indebtedness of the states and the temporary inability of some of them to meet the interest on their debts. The utter and disastrous prostration of the United States bank of Pennsylvania, had contributed largely to increase the sentiment of distrust by reason of the loss and ruin sustained by the holders of its stock, a large portion of whom were foreigners, and many of whom were alike ignorant of our political organization, and of our actual responsibilities. It was the anxious desire of the executive that, in the effort to negotiate the loan abroad, the American negotiator might be able to point the money-lender to the fund mortgaged for the redemption of the principal and interest of any loan he might contract, and thereby vindicate the government from all suspicion of bad faith or inability to meet its engagements. Congress differed from the executive in this view of the subject. It became, nevertheless, the duty of the executive to resort to every expedient in its power to negotiate the authorized loan. After a failure to do so in the American market, a citizen of high character and talent was sent to Europe with no better success; and thus the mortifying spectacle has been presented, of the inability of this government to obtain a loan so small as not in the whole to amount to more than one fourth of its ordinary annual income; at a time when the governments of Europe, although involved in debt, and with their subjects heavily burdened with taxation, readily obtained loans of any amount at a greatly reduced rate of interest. It would be unprofitable to look further into this anomalous state of things, but I can not conclude without adding that, for a government which has paid off its debts of two wars with the largest maritime power of Europe, and now owing a debt which is almost next to nothing when compared with its boundless

resources, a government the strongest in the world, because emanating from the popular will, and firmly rooted in the affections of a great and free people, and whose fidelity to its engagements has never been questioned; for such a government to have tendered to the capitalists of other countries an opportunity for a small investment of its stocks, and yet to have failed, implies either the most unfounded distrust in its good faith, or a purpose, to obtain which the course pursued is the most fatal which could have been adopted. It has now become obvious to all men that the government must look to its own means for supplying its wants; and it is consoling to know that these means are altogether adequate for the object. The exchequer, if adopted, will greatly aid in bringing about this result. Upon what I regard as a well-founded supposition that its bills would be readily sought for by the public creditors, and that the issue would in a short time reach the maximum of fifteen millions of dollars, it is obvious that ten millions of dollars would thereby be added to the available means of the treasury without cost or charge. Nor can I fail to urge the great and beneficial effect which would be produced in aid of all the active pursuits of life. Its effects upon the solvent state banks, while it would force into liquidation those of an opposite character, through its weekly settlements, would be highly beneficial; and with the advantages of a sound currency, the restoration of confidence and credit would follow, with a numerous train of blessings. My convictions are most strong that these benefits would flow from the adoption of this measure; but if the result should be adverse, there is this security in connexion with it, that the law creating it may be repealed at the pleasure of the legislature, without the slightest implication of its good faith.

I recommend to Congress to take into consideration the propriety of reimbursing a fine imposed on General Jackson at New Orleans at the time of the attack and defence of that city, and paid by him. Without designing any reflection on the judicial tribunal which imposed the fine, the remission at this day may be regarded as not unjust or inexpedient. The voice of the civil authority was heard amid the glitter of arms, and obeyed by those who held the sword, thereby giving additional lustre to a memorable military achievement. If the laws were offended, their majesty was fully vindicated; and although the penalty incurred and paid is worthy of little regard in a pecuniary point of view, it can hardly be doubted that it would be gratifying to the war-worn veteran, now in retirement and in the winter of his days, to be relieved from the circumstances in which that judgment placed him. There are cases in which the public functionaries may be called on to weigh the public interest against their own personal hazards, and if the civil law be violated from praiseworthy motives, or an overruling sense of public danger and public necessity, punishment may well be restrained within that limit which asserts and maintains the authority of the law, and the subjection of the military to the civil power. The defence of New Orleans, while it saved the city from the hands of the enemy, placed the name of General Jackson among those of the greatest captains of the age, and illustrated one of the brightest pages of our history. Now that the causes of excitement, existing at that time, have ceased to operate, it is believed that the remission of this fine, and whatever of gratification that remission might cause the eminent man who incurred and paid it, would be in accordance with the general feeling and wishes of the American people.

I have thus, fellow-citizens, acquitted myself of my duty under the con-

stitution, by laying before you, as succinctly as I have been able, the state of the Union, and by inviting your attention to measures of much importance to the country. The executive will most zealously unite its efforts with those of the legislative department in the accomplishment of all that is required to relieve the wants of a common constituency, or elevate the destinies of a beloved country.

SPECIAL MESSAGE.

DECEMBER 14, 1842.

To the House of Representatives of the United States:—

Two bills were presented to me at the last session of Congress, which originated in the house of representatives, neither of which was signed by me, and both having been presented within ten days of the close of the session, neither has become a law.

The first of these was a bill, entitled, "An act to repeal the proviso of the sixth section of the act entitled, 'An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,' approved September 4th, one thousand eight hundred and forty-one."

The bill was presented to me on Tuesday, the 30th August, at twenty-four minutes after four o'clock in the afternoon. For my opinions relative to the provisions contained in this bill, it is only necessary that I should refer to previous communications made by me to the house of representatives.

The other bill was entitled, "An act regulating the taking of the testimony in cases of contested elections, and for other purposes." This bill was presented to me at a quarter past one o'clock, on Wednesday, the 31st day of August. The two houses, by concurrent vote, had already agreed to terminate the session by adjournment at two o'clock on that day; that is to say, within three quarters of an hour from the time the bill was placed in my hands. It was a bill containing twenty-seven sections, and, I need not say, of an important nature.

On its presentment to me, its reading was immediately commenced, but was interrupted by so many communications from the senate, and so many other causes operating at the last hour of the session, that it was impossible to read the bill understandingly, and with proper deliberation, before the hour fixed for the adjournment of the two houses; and this, I presume, is a sufficient reason for neither signing the bill nor returning it with my objections.

The 17th joint rule of the two houses of Congress declares, that "no bill or resolution that shall have passed the house of representatives and the senate, shall be presented to the president of the United States for his approbation, on the last day of the session.

This rule was evidently designed to give to the president a reasonable opportunity of perusing important acts of Congress, and giving them some degree of consideration, before signing or returning the same.

It is true that the two houses have been in the habit of suspending this rule, toward the close of the session, in relation to particular bills; and it appears by the printed journal, that, by concurrent votes of the two houses, passed on the last day of the session, the rule was agreed to be

suspended, so far as the same should relate to all such bills as should have been passed by the two houses at one o'clock, on that day. It is exceedingly to be regretted that a necessity should ever exist for such suspension, in the case of bills of great importance, and therefore demanding careful consideration.

As the bill has failed, under the provisions of the constitution, to become a law, I abstain from expressing any opinion upon its several provisions—keeping myself wholly uncommitted as to my ultimate action on any similar measure, should the house think proper to originate it *de novo*, except so far as my opinion of the unqualified power of each house to decide for itself upon the election returns and qualifications of its own members, has been expressed by me in a paper lodged in the department of state at the time of signing an act entitled, "An act for the apportionment of representatives among the several states, according to the sixth census, approved June the twenty-second, eighteen hundred and forty-two," a copy of which is in possession of the house.

SPECIAL MESSAGE.

DECEMBER 23, 1842.

To the Senate of the United States:—

I HAVE received the resolution of the 22d instant, requesting me "to inform the senate of the nature and extent of the informal communications which took place between the American secretary of state and the British special minister, during the late negotiation in Washington city, upon the subject of the claims of the United States and Great Britain to the territory west of the Rocky mountains; and also to inform the senate what were the reasons which prevented any agreement upon the subject at present, and which made it expedient to include this subject among the subjects of formal negotiation."

In my message to Congress at the commencement of the present session, in adverting to the territory of the United States on the Pacific ocean, north of the forty-second degree of north latitude, a part of which is claimed by Great Britain, I remarked that, "in advance of the acquirement of individual right to these lands, sound policy dictated that every effort would be resorted to by the two governments to settle their respective claims;" and also stated that I should not delay to urge on Great Britain the importance of an early settlement. Measures have been already taken, in pursuance of the purpose thus expressed, and under the circumstances, I do not deem it consistent with the public interest to make any communication on the subject.

SPECIAL MESSAGE.

DECEMBER 30, 1842.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE herewith to Congress copies of a correspondence which has recently taken place between certain agents of the government of the Hawaiian or Sandwich islands and the secretary of state.

The condition of those islands has excited a good deal of interest, which is increasing by every successive proof that their inhabitants are making progress in civilization, and becoming more and more competent to maintain regular and orderly civil government. They lie in the Pacific ocean, much nearer to this continent than the other, and have become an important place for the refitment and provisioning of American and European vessels.

Owing to their locality, and to the course of the winds which prevail in this quarter of the world, the Sandwich islands are the stopping-place for almost all vessels passing from continent to continent across the Pacific ocean. They are especially resorted to by great numbers of vessels of the United States which are engaged in the whale-fishery in those seas. The number of vessels of all sorts, and the amount of property owned by citizens of the United States, which are found in those islands in the course of a year, are stated, probably with sufficient accuracy, in the letter of the agents.

Just emerging from a state of barbarism, the government of the islands is as yet feeble; but its dispositions appear to be just and pacific, and it seems anxious to improve the condition of its people, by the introduction of knowledge, of religious and moral institutions, means of education, and the arts of civilized life.

It can not but be in conformity with the interest and the wishes of the government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected, and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial states. Far remote from the dominions of European powers, its growth and prosperity as an independent state may yet be in a high degree useful to all whose trade is extended to those regions; while its nearer approach to this continent, and the intercourse which American vessels have with it—such vessels constituting five sixths of all which annually visit it—could not but create dissatisfaction on the part of the United States at any attempt by another power, should such an attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native government. Considering, therefore, that the United States possesses so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration, that their government seeks nevertheless no peculiar advantages, no exclusive control over the Hawaiian government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very large intercourse of their citizens with the islands, would justify this government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power. Under these circumstances, I recommend to Congress to provide for a mod-

erate allowance to be made out of the treasury to the consul residing there; that in a government so new, and a country so remote, American citizens may have respectable authority to which to apply for redress, in case of injury to their persons and property, and to whom the government of the country may also make known any acts committed by American citizens, of which it may think it has a right to complain.

Events of considerable importance have recently transpired in China. The military operations carried on against that empire by the English government have been terminated by a treaty, according to the terms of which four important ports, hitherto shut against foreign commerce, are to be oper to British merchants, viz., Amoy, Foo-Choo-Foo, Ningpo, and Chinghai. It can not but be interesting to the mercantile interest of the United States, whose intercourse with China, at the single port of Canton, has already become so considerable, to ascertain whether these other ports, now open to British commerce, are to remain shut, nevertheless, against the commerce of the United States. The treaty between the Chinese government and the British commissioner provides neither for the admission nor the exclusion of the ships of other nations. It would seem, therefore, that it remains with every other nation having commercial intercourse with China to seek to make proper arrangements for itself with the government of that empire in this respect.

The importations into the United States from China are known to be large—having amounted in some years, as will be seen by the annexed tables, to nine millions of dollars. The exports, too, from the United States to China, constitute an interesting and growing part of the commerce of the country. It appears that in the year 1841, in the direct trade between the two countries, the value of the exports from the United States amounted to seven hundred and fifteen thousand dollars in domestic produce, and four hundred and eighty-five thousand dollars in foreign merchandise. But the whole amount of American produce which finally reaches China, and is there consumed, is not comprised in these tables, which show only the direct trade. Many vessels with American products on board sail with a primary destination to other countries, but ultimately dispose of more or less of their cargoes in the port of Canton.

The peculiarities of the Chinese government and the Chinese character are well known. An empire, supposed to contain three hundred millions of subjects, fertile in various rich products of the earth, not without the knowledge of letters and of many arts, and with large and expensive accommodations for internal intercourse and traffic, has for ages sought to exclude the visits of strangers and foreigners from its dominions, and has assumed for itself a superiority over all other nations. Events appear likely to break down and soften this spirit of non-intercouse, and to bring China, ere long, into the relations which usually subsist between civilized states. She has agreed, in the treaty with England, that correspondence between the agents of the two governments shall be on equal terms—a concession which it is hardly probable will hereafter be withheld from other nations.

It is true, that the cheapness of labor among the Chinese, their ingenuity in its application, and the fixed character of their habits and pursuits, may discourage the hope of the opening of any great and sudden demand for the fabrics of other countries. But experience proves that the productions of western nations find a market to some extent among the Chinese; that that market, so far as respects the productions of the United States, although

it has considerably varied in successive seasons, has, on the whole, more than doubled within the last ten years; and it can hardly be doubted that the opening of several new and important ports connected with parts of the empire heretofore seldom visited by Europeans or Americans, would exercise a favorable influence upon the demand for such productions.

It is not understood that the immediate establishment of correspondent embassies and missions, or the permanent residence of diplomatic functionaries, with full powers, of each country, at the court of the other, is contemplated between England and China; although, as has been already observed, it has been stipulated that intercourse between the two countries shall hereafter be on equal terms. An ambassador, or envoy extraordinary and minister plenipotentiary, can only be accredited, according to the usages of western nations, to the head or sovereign of the state; and it may be doubtful whether the court of Pekin is yet prepared to conform to these usages, so far as to receive a minister plenipotentiary to reside near it.

Being of opinion, however, that the commercial interests of the United States, connected with China, require at the present moment a degree of attention and vigilance, such as there is no agent of this government on the spot to bestow, I recommend to Congress to make appropriation for the compensation of a commissioner, to reside in China, to exercise a watchful care over the concerns of American citizens, and for the protection of their persons and property; empowered to hold intercourse with the local authorities, and ready, under instructions from his government, should such instructions become necessary and proper hereafter, to address himself to the high functionaries of the empire, or, through them, to the emperor himself.

It will not escape the observance of Congress, that, in order to secure the important objects of any such measure, a citizen of much intelligence and weight of character should be employed on such agency; and that, to secure the services of such an individual, a compensation should be made corresponding with the magnitude and importance of the mission.

SPECIAL MESSAGE.

JANUARY 9, 1843.

To the Senate of the United States:—

I HAVE received a resolution of the senate, of the 27th of December, in the following terms:—

"*Resolved*, That the president be requested to inform the senate, if compatible with the public interest, whether the quintuple treaty for the suppression of the slave-trade, has been communicated to the government of the United States in any form whatever. And if so, by whom, for what purpose, and what answer may have been returned to such communication. Also, to communicate to the senate all the information which may have been received by the government of the United States, going to show that '*the course which this government might take in relation to said treaty, has excited no small degree of attention and discussion in Europe.*' Also, to inform the senate how far the '*warm animadversions*,' and the '*great political excitement*,' which this treaty has caused in Europe, have

any application or reference to the United States. Also, to inform the senate what danger there was that '*the laws and the obligations*,' of the United States, in relation to the suppression of the slave-trade, would be 'executed by others,' if we did not '*remove the pretext and motive for violating our flag and executing our laws*,' by entering into the stipulations for the African squadron, and the remonstrating embassies, which are contained in the eighth and ninth articles of the late British treaty. Also, that the president be requested to communicate to the senate all the correspondence with our ministers abroad, relating to the foregoing points of inquiry. Also, that the president be requested to communicate to the senate all such information upon the negotiation of the African squadron articles as will show the origin of such articles, and the history and progress of their formation."

I informed the senate, in the message transmitting the treaty with England of the 9th of August last, that no application or request had been made to this government, to become a party to the quintuple treaty. Agents of this government, abroad, regarding the signature of that treaty as a political occurrence of some importance, obtained, unofficially, copies of it, and transmitted those copies to the department of state, as other intelligence is communicated for the information of the government. The treaty has not been communicated to the government of the United States from any other quarter, in any other manner, or for any other purpose.

The next request expressed in the resolution is in these words:—

"Also, to communicate to the senate all the information which may have been received by the government of the United States, going to show that the 'course which this government might take, in relation to said treaty, has excited no small degree of attention and discussion in Europe.' Also, to inform the senate how far the 'warm animadversions,' and the 'great political excitement' which this treaty has caused in Europe, have any application or reference to the United States."

These words, quoted in this part of the resolution, appear to be taken from my message abovementioned. In that communication I said:—

"No application or request has been made to this government to become a party to this treaty; but the course it might take in regard to it has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions, and great political excitement.

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this government supports, respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, that it should execute its own laws, and perform its own obligations, by its own means and its own power. The examination or visitation of the merchant-vessels of one nation by the cruisers of another, for any purposes except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant-vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations

of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag, upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the senate.

"The treaty which I now submit to you, proposes no alteration, mitigation, or modification of the rules of the laws of nations. It provides simply that each of the two governments shall maintain on the coast of Africa a sufficient squadron to enforce, separately and respectively, the laws, rights, and obligations of the two countries, for the suppression of the slave-trade."

These opinions were expressed by me, officially, upon the occasion of making to the senate a communication of very great importance. It is not perceived how the accuracy of this general statement can be doubted by those who are acquainted with the debates of public bodies in Europe, the productions of the press, and the other modes by which public opinion is manifested in an enlightened age. It is not to be supposed that excited attention to public and national transactions, or general political discussions in Europe, on subjects open to all the world, are known only in consequence of private information communicated to the government, and feeling a strong persuasion that it would be improper in the executive to go into any discussion or argument upon such a subject, with the senate, I have no further remarks to make upon this part of the inquiry.

The third inquiry is:—

"What danger there was that 'the laws and obligations' of the United States, in relation to the suppression of the slave-trade would be 'executed by others,' if we did not 'remove the pretext and motive for violating our flag and executing our laws.'"

I have already quoted from the message the entire paragraph, to a part of which this portion of the inquiry is supposed to refer. As to the danger there was that the laws and the obligations of the United States, in relation to the suppression of the slave-trade, would be executed by others, if we did not remove the pretext and motive for violating our flag, and provide for executing our laws, I might say that this depends upon notorious facts and occurrences, of which the evidence has been in various forms before the country, and all the branches of the government.

When I came to occupy the executive chair, I could not be ignorant of the numerous complaints which had been made, on account of alleged interruptions of American vessels, engaged in lawful commerce on the coast of Africa, by British cruisers, on the ground of their being engaged in the slave-trade. I could not be ignorant, at the same time, of the well-grounded suspicions which pervaded the country, that some American vessels were engaged in that odious and unlawful traffic. There were two dangers, then, to be guarded against: the one, that this traffic would continue to be carried on in American ships, and perhaps much increased, unless some new and vigorous effort should be made for its suppression; the other, that acquiescence in the capture of American vessels, notorious slave-dealers, by British cruisers, might give countenance to seizures and detention of vessels lawfully employed, on light or groundless suspicions. And cases had arisen, under the administration of those who preceded me, well calculated to show the extent and magnitude of this latter danger; and, believing that very serious consequences might in time grow out of the obvious tendency and progress of things, I felt it to be my duty to arrest that progress, to rescue the immunity of the American flag from the

danger which hung over it, and to do this by recommending such a provision for the execution of our own laws, as should remove all pretence for the interference of others.

Among the occurrences to which I have alluded, it may be useful to particularize one case.

The schooner Catharine, an American vessel, owned by citizens of the United States, was seized on the coast of Africa, by the British cruiser, called the Dolphin, and brought into the port of New York in the summer of 1839. Upon being brought into port, Benjamin F. Butler, Esq., district attorney of the United States, for the southern district of New York, appeared in the district court of the United States for that district, and in the name and behalf of the United States, libelled the schooner, her apparel, and furniture, for a violation of the several acts of Congress, passed for the suppression of the slave-trade. The schooner being arrested by the usual process in such cases, and possession taken of her from the hands of the British captors, by officers of the United States, the cause proceeded, and by a decree of the circuit court in December, 1840, a forfeiture was pronounced. From this decree an appeal was taken, which is now pending in the supreme court of the United States.

It is true that in another case, that of the Tigris, of like general character, soon after arising, the then secretary of state, on the 1st of March, 1841, informed Mr. Fox, the British minister, that, "however strong and unchangeable may be the determination of this government to punish any citizens of the United States who violate the laws against the African slave-trade, it will not permit the exercise of any authority by foreign armed vessels, in the execution of those laws."

But it is evident that this general declaration did not relieve the subject from its difficulties. Vessels of the United States, found engaged in the African slave-trade, are guilty of piracy, under the acts of Congress. It is difficult to say that such vessels can claim any interference of the government in their behalf, into whosesoever hands they may happen to fall, any more than vessels which should turn general pirates. Notorious African slave-traders can not claim the protection of the American character, inasmuch as they are acting in direct violation of the laws of their country, and stand denounced by those laws as pirates. In case of the seizure of such a vessel by a foreign cruiser, and her being brought into a port of the United States, what is to be done with her? Shall she be libelled, prosecuted, and condemned, as if arrested by a cruiser of the United States? If this is to be done, it is clear that the agency of a foreign power has been instrumental in executing the laws of the United States. Or, on the other hand, is the vessel, with all her offences flagrant upon her, to be released, on account of the agency by which she was seized, discharged of all penalties, and left at liberty to renew her illegal and nefarious traffic?

It appeared to me that the best, if not the only mode of avoiding these and other difficulties, was by adopting such a provision as is contained in the late treaty with England.

The senate asks me for the reasons for entering into the stipulations for the "remonstrating embassies" contained in the late treaty. Surely there is no stipulation in the treaty for any "remonstrating embassies," or any other embassies, nor any reference or allusion to any such thing. In this respect, all that the treaty provides is in the ninth article, and is in these words: "The parties to this treaty agree that they will unite in all

becoming representations and remonstrances, with any and all powers within whose dominions such markets [for African slaves] are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually, at once and for ever."

It always gives me sincere pleasure to communicate to both houses of Congress anything in my power which may aid them in the discharge of their high duties, and which the public interest does not require to be withheld. In transmitting the late treaty to the senate, everything was caused to accompany it, which it was supposed could enlighten the judgment of the senate upon its various provisions. The views of the executive, in agreeing to the eighth and ninth articles, were fully expressed; and pending the discussion in the senate, every call for further information was promptly complied with, and nothing kept back which the senate desired. Upon this information, and upon its own knowledge of the subject, the senate made up and pronounced its judgment, upon its own high responsibility; and, as the result of that judgment, the treaty was ratified, as the journal shows, by a vote of thirty-nine to nine. The treaty has thus become the law of the land, by the express advice of the senate, given in the most solemn manner known to its proceedings.

The fourth request is, "That the president be requested to communicate to the senate, all the correspondence with our ministers abroad, relating to the foregoing points of inquiry."

If this branch of the resolution were more definite, some parts of it might, perhaps, be met, without prejudice to the public interest, by extracts from the correspondence referred to. At a future day, a communication may be expected, to be made as broad and general as a proper regard to these interests will admit; but at present, I deem any such communication not to be consistent with the public interest.

The fifth and last is, "That the president be requested to communicate to the senate all such information upon the negotiation of the African squadron articles, as will show the origin of such articles, and the history and progress of their formation."

These articles were proposed to the British minister by the secretary of state, under my express sanction, and were acceded to by him, and have since been ratified by both governments. I might, without disrespect, speak of the novelty of inquiring, by the senate, into the history and progress of articles of a treaty, through a negotiation which has terminated, and as the result of which these articles have become the law of the land, by the constitutional advice of the senate itself. But I repeat, that those articles had their origin in a desire on the part of the government of the United States to fulfil its obligations, entered into by the treaty of Ghent, to do its utmost for the suppression of the African slave-trade, and to accomplish this object by such means as should not lead to the interruption of the lawful commerce of the United States, or any derogation from the dignity and immunity of their flag. And I have the satisfaction to believe, that both the executive, in negotiating the treaty of which these articles form part, and the senate, in advising to its ratification, have effected an object important to the government and satisfactory to the people.

In conclusion, I hope I may be permitted to observe, that I have, out of a profound respect for the senate, been induced to make this communication in answer to inquiries, some of which, at least, are believed to be without precedent in the history of the relations between that body and the executive department. These inquiries were particularly unexpected to me, at

the present moment. As I have been so fortunate as to find my own views of the expediency of ratifying the late treaty with England, confirmed by a vote of somewhat more than four fifths of the senators present, I have hitherto flattered myself that the motives which influenced my conduct had been fully appreciated by those who advised and approved it; and that if a necessity should ever arise for any special explanation or defence in regard to those motives, it could scarcely be in that assembly itself.

SPECIAL MESSAGE.

JANUARY 31, 1843.

To the House of Representatives of the United States:—

AT the last session of Congress, a resolution was passed by the house of representatives, requesting me to cause to be communicated to the house "the several reports made to the department of war by Lieutenant-Colonel Hitchcock, relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds he was charged to investigate; also, all facts in the possession of the executive relating to the subject."

A resolution of the same import has been passed by the house of representatives on the 18th of May last, requiring the secretary of war to communicate to the house the same reports and matters. After consultation with me, and under my direction, the secretary of war informed the house that the reports referred to, relative to the affairs of the Cherokees, contained information and suggestions in reference to the matters which it was supposed would become the subject of negotiation between that department and the delegates of the Cherokee nation. It was stated by him that the nature and subject of the report, in the opinion of the president and the department, rendered its publication at that time inconsistent with the public interest.

The negotiation referred to subsequently took place, and embraced the matters upon which Lieutenant-Colonel Hitchcock had communicated his views. That negotiation terminated without the conclusion of an arrangement. All the information communicated by Lieutenant-Colonel Hitchcock, respecting the Cherokees, their condition as a nation, and their relations to other tribes, is herewith transmitted. But his suggestions and projects respecting the anticipated propositions of the delegates, and his views of their personal characters, can not, in any event, aid the legislation of Congress; and, in my opinion, the promulgation of them would be unfair and unjust to him, and inconsistent with the public interest, and they are therefore not transmitted.

The secretary of war further stated, in his answer to the resolution, that the other report referred to in it, relating to alleged frauds which Lieutenant-Colonel Hitchcock was charged to investigate, contained such information as he (Colonel Hitchcock) was enabled to obtain by exparte inquiries of various persons whose statements were necessarily without the sanction of an oath, and which the persons implicated had had no opportunity to contradict or explain. He expressed the opinion that to promulgate those statements at that time would be grossly unjust to those per-

sons, and would be calculated to defeat rather than promote the objects of the inquiry; and he remarked that sufficient opportunity had not been given to the department to pursue the investigation, or to call upon the parties affected for explanations, or to determine on the measures proper to be adopted. And he hoped these reasons would be satisfactory for not transmitting to the house at that time the reports referred to in its resolution.

It would appear, from the report of the committee on Indian affairs, to whom the communication of the secretary of war was referred, and which report has been transmitted to me, together with the resolutions of the house adopted on the recommendation of the committee, and from those resolutions, that the reasons given by the secretary were not deemed satisfactory, and that the house of representatives claims the right to demand from the executive and heads of departments such information as may be in their possession relating to "subjects of the deliberations of the house, and within the sphere of its legitimate powers;" and that, in the opinion of the house, the reports and facts called for by its resolution of the 18th of May related to subjects of its deliberations, and were within the sphere of its legitimate powers, and should have been communicated.

If, by the assertion of this claim of right to call upon the executive for all the information in its possession, relating to any subject of the deliberations of the house, and within the sphere of its legitimate powers, it is intended to assert, also, that the executive is bound to comply with such call, without the authority to exercise any discretion on its part in reference to the nature of the information required, or to the interests of the country, or of individuals to be affected by such compliance, then do I feel bound, in the discharge of the high duty imposed upon me, "to preserve, protect, and defend the constitution of the United States," to declare in the most respectful manner my entire dissent from such a proposition. The instrument from which the several departments of the government derive their authority makes each independent of the other in the discharge of their respective functions. The injunction of the constitution that the president "shall take care that the laws be faithfully executed," necessarily confers an authority commensurate with the obligation imposed, to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or of falsehood; or they may be incomplete, and may require further prosecution. To maintain that the president can exercise no discretion as to the time in which the matters thus collected shall be promulgated, or in respect to the character of the information obtained, would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first stage, and the officer whose conduct demanded investigation may be enabled to elude or defeat it. To require from the executive the transfer of this discretion to a co-ordinate branch of the government, is equivalent to the denial of its possession by him, and would render him dependent upon that branch in the performance of a duty purely executive.

Nor can it be a sound position, that all papers, documents, and information of every description, which may happen by any means to come into the possession of the president or of the heads of the departments, must necessarily be subject to the call of the house of representatives, *merely* because they relate to a subject of the deliberations of the house, although

that subject may be within the sphere of its legitimate powers. It can not be that the only test is, whether the information relates to a legitimate subject of deliberation. The executive department and the citizens of this country have their rights and duties, as well as the house of representatives; and the maxim that the rights of one person or body are to be so exercised as not to impair those of others, is applicable, in its fullest extent, to this question. Impertinence or malignity may seek to make the executive departments the means of incalculable and irremediable injury to innocent parties by throwing into them libels most foul and atrocious. Shall there be no discretionary authority permitted to refuse to become the instruments of such malevolence?

And although information comes through a proper channel to an executive officer, it may often be of a character to forbid its being made public. The officer charged with a confidential inquiry, and who reports its results, under the pledge of confidence which his appointment implies, ought not to be exposed individually to the resentment of those whose conduct may be impugned by the information he collects. The knowledge that such is to be the consequence, will inevitably prevent the performance of duties of that character, and thus the government will be deprived of an important means of investigating the conduct of its agents.

It is certainly no new doctrine, in the halls of judicature or of legislation, that certain communications and papers are privileged, and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals or of the government. Thus, no man can be compelled to accuse himself, to answer any question that tends to render him infamous, or to produce his own private papers, on any occasion. The communications of a client to his counsel, and the admissions made at the confessional in the course of religious discipline, are privileged communications. In the courts of that country from which we derive our great principles of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognised in this country, that a minister of the crown or the head of the department can not be compelled to produce any papers, or disclose any transactions, relating to the executive functions of the government, which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the state are in like manner protected from the disclosure of their names. Other instances of privileged communications might be enumerated if it were deemed necessary. These principles are as applicable to evidence sought by a legislature as to that required by a court.

The practice of government since its foundation has sanctioned the principle that there must necessarily be a discretionary authority in reference to the nature of the information called for by either house of Congress.

The authority was claimed and exercised by General Washington, in 1796. In 1825, President Monroe declined compliance with a resolution of the house of representatives calling for the correspondence between the executive departments of this government and the officers of the United States navy and others, at or near the ports of South America, on the Pacific ocean. In a communication made by the secretary of war, in 1832, to the committee of the house on the public lands, by direction of President Jackson, he denies the obligation of the executive to furnish the information called for, and maintains the authority of the president to exercise a sound discretion in complying with calls of that description by the

house of representatives or its committees. Without multiplying other instances, it is not deemed improper to refer to the refusal of the president, at the last session of the present Congress, to comply with a resolution of the house of representatives calling for the names of the members of Congress who had applied for offices. As no further notice was taken in any form of this refusal, it would seem to be a fair inference that the house itself admitted that there were cases in which the president had a discretionary authority in respect to the transmission of information in the possession of any of the executive departments.

Apprehensive that the silence under the claim supposed to be set up in the resolutions of the house of representatives under consideration might be construed as an acquiescence in its soundness, I have deemed it due to the great importance of the subject to state my views, that a compliance in part with the resolution may not be deemed a surrender of a necessary authority of the executive.

Many of the reasons which existed at the date of the report of the secretary of war, of June 1, 1842, for then declining to transmit the report of Lieutenant-Colonel Hitchcock concerning the frauds which he was charged to investigate, have ceased to operate. It has been found wholly impracticable to pursue the investigation, in consequence of the death and removal out of the country of those who would be called on to testify, and in consequence of the want of adequate authority or means to render it effectual. It could not be conducted without expense. Congress, at its last session, prohibited the payment of any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except military and naval courts-martial and courts of inquiry, unless special appropriations should be made for the payment of such accounts and charges. Of the policy of that provision of law it does not become me to speak, except to say that the institution of inquiries into the conduct of public agents, however urgent the necessity for such inquiry may be, is thereby virtually denied to the executive, and that if evils of magnitude shall arise in consequence of the law, I take to myself no portion of the responsibility.

In relation to the propriety of directing prosecutions against the contractors to furnish Indians rations, who are charged with improper conduct, a correspondence has been had between the war department and the solicitor of the treasury, which is herewith transmitted, in a conviction that such prosecution would be entirely ineffectual.

Under these circumstances, I have thought proper to direct that the report of Lieutenant-Colonel Hitchcock, concerning the frauds which he was charged to investigate, be transmitted to the house of representatives, and it accordingly accompanies this message. At the same time, I have to request the house to consider it so far confidential as not to direct its publication until the appropriate committee shall have examined it, and expressed their opinion whether a just regard to the character and rights of persons apparently implicated, but who have not had an opportunity to meet the imputations on them, does not require that portions, at least, of the report should not at present be printed.

This course is adopted by me from a desire to render justice to all, and at the same time avoid even the appearance of a desire to screen any; and also to prevent the exaggerated estimate of the importance of the information, which is likely to be made from the mere fact of its being withheld.

The resolution of the house also calls for "all facts in the possession of the executive, from any source, relating to the subject." There are two subjects specified in the resolution: one "relative to the affairs of the Cherokee Indians," and another "concerning the frauds which he (Lieutenant-Colonel Hitchcock) was charged to investigate."

All the papers in the war department or its bureaus, relating to the affairs of the Cherokee Indians, it is believed, have been from time to time communicated to Congress, and are contained in the printed documents, or are now transmitted, with the exception of those portions of Lieutenant-Colonel Hitchcock's report hereinbefore mentioned, and excepting the correspondence with the Cherokee delegates in the negotiations which took place during the last summer, which are not supposed to be within the intent of the resolution of the house. For the same reason, a memorial from the old settlers, or western Cherokees, as they term themselves, recently presented, is not transmitted. If these or any other public documents should be desired by the house, a specification of them will enable me to cause them to be furnished, if it should be found proper.

All the papers in the war office or its bureaus, known or supposed to have any relation to the alleged frauds which Lieutenant-Colonel Hitchcock was charged to investigate, are herewith transmitted.

SPECIAL MESSAGE.

FEBRUARY 13, 1843.

To the House of Representatives of the United States:—

I HEREWITH transmit to the house of representatives a report made to me on the 9th instant, by the secretary of the treasury, on the subject of the present and prospective condition of the finances.

You will perceive from it that even if the receipts from the various sources of revenue, for the current year, shall prove not to have been overrated, and the expenditures be restrained within the estimates, the treasury will be exhausted before the close of the year; and that this will be the case, although authority should be given to the proper department to reissue treasury-notes. But the state of facts existing at the present moment can not fail to awaken a doubt whether the amount of the revenue for the respective quarters of the year will come up to the estimates; nor is it entirely certain that the expenditures which will be authorized by Congress may not exceed the aggregate sum which has hitherto been assumed as the basis of the treasury calculations.

Of all the duties of the government, none is more sacred and imperative than that of making adequate and ample provision for fulfilling with punctuality its pecuniary engagements, and maintaining the public credit inviolate. Any failure in this respect, not produced by unforeseen causes, could only be regarded by our common constituents as a serious neglect of the public interests.

I feel it, therefore, to be an indispensable obligation, while so much of the session yet remains unexpired as to enable Congress to give to the subject the consideration which its great importance demands, most earnestly to call its attention to the propriety of making further provision for the public service of the year.

The proper objects of taxation are peculiarly within the discretion of the legislature, while it is the duty of the executive to keep Congress duly advised of the state of the treasury, and to admonish it of any danger which there may be found to apprehend of a failure in the means of meeting the expenditures authorized by law.

I ought not, therefore, to dissemble my fears that there will be a serious falling off in the estimated proceeds, both of the customs and the public lands. I regard the evil of disappointment in these respects as altogether too great to be risked, if by any possibility it may be entirely obviated.

While I am far from objecting, under present circumstances, to the recommendation of the secretary, that authority be granted him to reissue treasury-notes as they shall be redeemed, and to other suggestions which he has made on this subject, yet it appears to me to be worthy of grave consideration, whether more permanent and certain supplies ought not to be provided. The issue of one note in redemption of another is not the payment of a debt, which must be made in the end by some form of public taxation.

I can not forbear to add, that in a country so full of resources, of such abundant means, if they be but judiciously called out, the revenues of the government, its credit, and its ability to fulfil all its obligations, ought not to be made dependent on temporary expedients, or on calculations of an uncertain character. The public faith in this, as in all things else, ought to be placed beyond question and beyond contingency.

The necessity of further and full provision for supplying the wants of the treasury will be the more urgent, if Congress, at this present session, should adopt no plan for facilitating the financial operations of the government, and improving the currency of the country. By the aid of a wise and efficient measure of that kind, not only would the internal business and prosperity of the country be revived and invigorated, but important additions to the amount of revenue arising from importations might also be confidently expected. Not only does the present condition of things, in relation to the currency and commercial exchanges, produce severe and distressing embarrassments in the business and pursuits of individuals, but its obvious tendency is to create, also, a necessity for the imposition of new burdens of taxation, in order to secure the government and the country against discredit from the failure of means to fulfil the public engagement.

SPECIAL MESSAGE.

FEBRUARY 18, 1843.

To the House of Representatives of the United States :—

A RESOLUTION has been communicated to me, which was adopted by the house of representatives on the 2d instant, in the following terms :—

"*Resolved*, That the president of the United States be requested to inform this house by what authority, and under whose instructions, Captain Thomas Ap Catesby Jones, commander of the squadron of the United States in the Pacific ocean, did, on or about the 19th of October last, in-

vade, in warlike array, the territories of the Mexican republic, take possession of the town of Monterey, and declare himself commander of the naval and military expedition for the occupation of the Californias.

"*Resolved*, That the president of the United States be requested to communicate to this house copies of all the instructions given by him, or under his authority, to the said Captain Jones, from the time of his appointment to the command of the said squadron; also copies of all communications received from him relating to his expedition for the occupation of the Californias; and also to inform this house whether orders have been despatched to the said Captain Jones, recalling him from his command."

The proceedings of Captain Jones, in taking possession of the town of Monterey, in the possession of Mexico, was entirely of his own authority, and not in consequence of any orders or instructions, of any kind, given to him by the government of the United States. For that proceeding he has been recalled, and the letter recalling him will be found among the papers herewith communicated.

The resolution of the house of representatives asks for "copies of all the instructions given to Captain Jones, from the time of his appointment to the command of the said squadron; also, copies of all communications received from him, relating to his expedition for the occupation of the Californias," without confining the request to such instructions and correspondence as relate to the transactions at Monterey, and without the usual reservation of such portions of the instructions or correspondence as, in the president's judgment, could not be made public without prejudice or danger to the public interests.

It may well be supposed that cases may arise, even in time of peace, in which it would be highly injurious to the country to make public, at a particular moment, the instructions under which a commander may be acting on a distant and foreign service. In such a case, should it arise, and in all similar cases, the discretion of the executive can not be controlled by the request of either house of Congress for the communication of papers. The duties which the constitution and the laws devolve on the president must be performed by him under his official responsibility; and he is not at liberty to disregard high interests or thwart important public objects by untimely publications, made against his own judgment, by whomsoever such publications may be requested. In the present case, not seeing that injury is likely to arise from so doing, I have directed copies of all the papers asked for to be communicated. And I avail myself of the opportunity of transmitting also copies of sundry letters, as noted below

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SPECIAL MESSAGE.

FEBRUARY 27, 1843.

To the House of Representatives of the United States:—

IN compliance with the resolution of the house of representatives of the 22d instant, requesting me to communicate to the house "whatever correspondence or communication may have been received from the British government, respecting the president's construction of the late British treaty concluded at Washington, as it concerns an alleged right to visit

American vessels," I herewith transmit a report made to me by the secretary of state.

I have also thought proper to communicate copies of Lord Aberdeen's letter of the 20th of December, 1841, of Mr. Everett's letter of the 23d of December, in reply thereto, and extracts from several letters of Mr. Everett to the secretary of state.

I can not forego the expression of my regret at the apparent purport of a part of Lord Aberdeen's despatch to Mr. Fox. I had cherished the hope that all possibility of misunderstanding as to the true construction of the 8th article of the treaty lately concluded between Great Britain and the United States, was precluded by the plain and well-weighed language in which it is expressed. The desire of both governments is to put an and as speedily as possible to the slave-trade; and that desire, I need scarcely add, is as strongly and as sincerely felt by the United States as it can be by Great Britain. Yet it must not be forgotten that the trade, though now universally reprobated, was, up to a late period, prosecuted by all who chose to engage in it; and there were unfortunately but very few Christian powers whose subjects were not permitted and even encouraged to share in the profits of what was regarded as a perfectly legitimate commerce. It originated at a period long before the United States had become independent, and was carried on within our borders, in opposition to the most earnest remonstrances and expostulations of some of the colonies in which it was most actively prosecuted. Those engaged in it were as little liable to inquiry or interruption as any others. Its character, thus fixed by common consent and general practice, could only be changed by the positive assent of each and every nation, expressed either in the term of municipal law or conventional arrangement. The United States led the way in efforts to suppress it. They claimed no right to dictate to others; but they resolved, without waiting for the co-operation of other powers, to prohibit it to their own citizens, and to visit its perpetration by them with condign punishment. I may safely affirm, that it never occurred to this government that any new maritime right accrued to it from the position it had thus assumed in regard to the slave-trade. If, before our laws for its suppression, the flag of every nation might traverse the ocean unquestioned by our cruisers, this freedom was not, in our opinion, in the least abridged by our municipal legislation.

Any other doctrine, it is plain, would subject to an arbitrary and ever-varying system of maritime police, adopted at will by the great naval power for the time being, the trade of the world, in any places or in any articles which such power might see fit to prohibit to its own subjects or citizens. A principle of this kind could scarcely be acknowledged without subjecting commerce to the risk of constant and harassing vexations.

The attempt to justify such a pretension from the right to visit and detain ships upon reasonable suspicion of piracy, would deservedly be exposed to universal condemnation, since it would be an attempt to convert an established rule of maritime law, incorporated as a principle into the international code by the consent of all nations, into a rule and principle adopted by a single nation, and enforced only by its assumed authority. To seize and detain a ship upon suspicion of piracy, with probable cause, and in good faith, affords no just ground either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner.

The universal law sanctions, and the common good requires, the exist-

ence of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the limits of the territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the house. These declarations may well lead us to doubt whether the apparent difference between the two governments is not rather one of definition than of principle. Not only is the right of *search*, properly so called, disclaimed by Great Britain, but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of perfect right.

In the despatch of Lord Aberdeen to Mr. Everett, of the 20th of December, 1841, as also in that just received by the British minister in this country, made to Mr. Fox, his lordship declares, that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruiser, "should suffer loss and injury, it would be followed by prompt and ample remuneration;" and in order to make more manifest her intentions in this respect, Lord Aberdeen in the despatch of the 20th December, makes known to Mr. Everett the nature of the instructions given to the British cruisers. These are such, as, if faithfully observed, would enable the British government to approximate the standard of a fair indemnity. That government has, in several cases, fulfilled her promises in this particular, by making adequate reparation for damage done to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions, and precautions, and risk, in case of any assignable damage to be followed by the consequences of a trespass, can scarcely be considered anything more than a privilege asked for, and either conceded or withheld, on the usual principles of international comity.

The principle laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British government, were not regarded by the executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and therefore, in my message at the opening of the last session, I set forth the views entertained by the executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated, and, upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led, was embodied in the eighth article of the treaty.

Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the eighth article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast, because of any alleged abuse of our flag by slave-traders of other nations. We had taken upon ourselves the burden of preventing any such abuse, by stipulating to furnish an armed force, regarded by both the high contracting parties as sufficient to accomplish that object.

Denying, as we did, and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding anything ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for it; the honor of its flag demanded that it should not be used by others, to cover an iniquitous traffic. This government, I am very sure, has both the inclination and the ability to do this; and, if need be, it will not content itself with a fleet of eighty guns, but, sooner that any foreign government shall exercise the province of executing its laws and fulfilling its obligations, the highest of which is to protect its flag alike from abuse or insult, it would, I doubt not, put in requisition for that purpose, its whole naval force. The purpose of this government is faithfully to fulfil the treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two countries.

SPECIAL MESSAGE.

FEBRUARY 27, 1843.

To the House of Representatives of the United States:—

I TRANSMIT to Congress sundry letters which have passed between the department of state and Chevalier d'Arguiz, envoy extraordinary and minister plenipotentiary of Spain, near the government of the United States, on the subject of the schooner "Amistad," since the last communication of papers connected with that case. This correspondence will show the general grounds on which the Spanish minister expresses dissatisfaction with the decision of the supreme court in that case, and the answers which have been made to his complaints by the department of state.

In laying these papers before Congress, I think it proper to observe, that the allowance of salvage on the cargo does not appear to have been a subject of discussion in the supreme court. Salvage had been denied in the court below, and from that part of the decree no appeal had been claimed.

The ninth article of the treaty between the United States and Spain, provides that "all ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers, on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made, concerning the property thereof." The case of the "Amistad," as was decided by the court, was not a case of piracy, and therefore not within the terms of the treaty; yet it was a case in which the authority of the master, officers, and crew, of the vessel, had been divested by force, and in that condition the vessel, having been found on the coast, was brought into a port of the United States; and it may deserve consideration, that the salvors in this case were the officers and seamen of a public ship.

It is left to Congress to consider, under these circumstances, whether,

although in strictness salvage may have been lawfully due, it might not yet be wise to make provision to refund it, as a proof of the entire good faith of the government, and of its disposition to fulfil all its treaty stipulations, to their full extent, under a fair and liberal construction.

THIRD ANNUAL MESSAGE.

DECEMBER 5, 1843.

To the Senate and House of Representatives of the United States:—

IF any people ever had cause to render up thanks to the Supreme Being for parental care and protection extended to them in all the trials and difficulties to which they have been from time to time exposed, we certainly are that people. From the first settlement of our forefathers on this continent—through the dangers attendant upon the occupation of a savage wilderness—through a long period of colonial dependence—through the war of the revolution—in the wisdom which led to the adoption of the existing forms of republican government—in the hazards incident to a war subsequently waged with one of the most powerful nations of the earth—in the increase of our population—in the spread of the arts and sciences, and in the strength and durability conferred on political institutions emanating from the people, and sustained by their will—the superintendence of an overruling Providence has been plainly visible. As preparatory, therefore, to entering once more upon the high duties of legislation, it becomes us humbly to acknowledge our dependence upon him as our guide and protector, and to implore a continuance of his parental watchfulness over our beloved country. We have new cause for the expression of our gratitude in the preservation of the health of our fellow-citizens, with some partial and local exceptions, during the past season—for the abundance with which the earth has yielded up its fruits to the labors of the husbandman—for the renewed activity which has been imparted to commerce—for the revival of trade in all its departments—for the increased rewards attendant on the exercise of the mechanic arts—for the continued growth of our population, and the rapidly-reviving prosperity of the whole country. I shall be permitted to exchange congratulations with you, gentlemen of the two houses of Congress, on these auspicious circumstances, and to assure you, in advance, of my ready disposition to concur with you in the adoption of all such measures as shall be calculated to increase the happiness of our constituents, and to advance the glory of our common country.

Since the last adjournment of Congress, the executive has relaxed no effort to render indestructible the relations of amity which so happily exist between the United States and other countries. The treaty lately concluded with Great Britain has tended greatly to increase the good understanding which a reciprocity of interests is calculated to encourage, and it is most ardently to be hoped that nothing may transpire to interrupt the relations of amity which it is so obviously the policy of both nations to cultivate.

A question of much importance still remains to be adjusted between them. The territorial limits of the two countries, in relation to what is

commonly known as the Oregon territory, still remain in dispute. The United States would be at all times indisposed to aggrandize themselves at the expense of any other nation; but, while they would be restrained by principles of honor, which should govern the conduct of nations as well as that of individuals, from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights. After the most rigid, and, as far as practicable, unbiased examination of the subject, the United States have always contended that their rights appertain to the entire region of country lying on the Pacific, and embraced within 42° and 54° 40′ of north latitude. This claim being controverted by Great Britain, those who have preceded the present executive—actuated, no doubt, by an earnest desire to adjust the matter upon terms mutually satisfactory to both countries—have caused to be submitted to the British government propositions for settlement and final adjustment; which, however, have not proved heretofore acceptable to it. Our minister at London has, under instructions, again brought the subject to the consideration of that government; and, while nothing will be done to compromit the rights or honor of the United States, every proper expedient will be resorted to in order to bring the negotiation, now in the progress of resumption, to a speedy and happy termination. In the meantime, it is proper to remark, that many of our citizens are either already established in the territory, or are on their way thither, for the purpose of forming permanent settlements, while others are preparing to follow; and, in view of these facts, I must repeat the recommendation contained in previous messages, for the establishment of military posts at such places on the line of travel as will furnish security and protection to our hardy adventurers against hostile tribes of Indians inhabiting those extensive regions. Our laws should also follow them, so modified as the circumstances of the case may seem to require. Under the influence of our free system of government, new republics are destined to spring up, at no distant day, on the shores of the Pacific, similar in policy and in feeling to those existing on this side of the Rocky mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty.

I am happy to inform you that the cases which have from time to time arisen, of the detention of American vessels by British cruisers on the coast of Africa, under pretence of being engaged in the slave-trade, have been placed in a fair train of adjustment. In the case of the "William and Francis," full satisfaction will be allowed. In the cases of the "Tygris and Seamew," the British government admits that satisfaction is due. In the case of the "Jones," the sum accruing from the sale of that vessel and cargo will be paid to the owners, while I can not but flatter myself that full indemnification will be allowed for all damages sustained by the detention of the vessel; and in the case of the "Douglass," her majesty's government has expressed its determination to make indemnification. Strong hopes are therefore entertained that most, if not all of these cases, will be speedily adjusted. No new cases have arisen since the ratification of the treaty of Washington; and it is confidently anticipated that the slave-trade, under the operation of the eighth article of that treaty, will be altogether suppressed.

The occasional interruption experienced by our fellow-citizens engaged in the fisheries on the neighboring coast of Nova Scotia, has not failed to claim the attention of the executive. Representations upon this subject

have been made; but, as yet, no definite answer to those representations has been received from the British government.

Two other subjects of comparatively minor importance, but nevertheless of too much consequence to be neglected, remain still to be adjusted between the two countries. By the treaty between the United States and Great Britain, of July, 1815, it is provided that no higher duties shall be levied in either country on articles imported from the other, than on the same articles imported from any other place. In 1836, rough rice, by act of parliament, was admitted from the coast of Africa into Great Britain on the payment of a duty of one penny a quarter; while the same article from all other countries, including the United States, was subjected to the payment of a duty of twenty shillings a quarter. Our minister at London has from time to time brought this subject to the attention of the British government, but, so far, without success. He is instructed to renew his representations upon it.

Some years since, a claim was preferred against the British government, on the part of certain American merchants, for the return of export duties paid by them on shipments of woollen goods to the United States, after the duty on similar articles exported to other countries had been repealed, and consequently in contravention of the commercial convention between the two nations securing to us equality in such cases. The principle on which the claim rests has long since been virtually admitted by Great Britain; but obstacles to a settlement have from time to time been interposed, so that a large portion of the amount claimed has not yet been refunded. Our minister is now engaged in the prosecution of the claim, and I can not but persuade myself that the British government will no longer delay its adjustment.

I am happy to be able to say, that nothing has occurred to disturb in any degree the relations of amity which exist between the United States and France, Austria, and Russia, as well as with the other powers of Europe, since the adjournment of Congress. Spain has been agitated with internal convulsions for many years, from the effects of which, it is hoped, she is destined speedily to recover; when, under a more liberal system of commercial policy on her part, our trade with her may again fill its old and (so far as her continental possessions are concerned) its almost forsaken channels—thereby adding to the mutual prosperity of the two countries.

The Germanic association of customs and commerce, which, since its establishment in 1833, has been steadily growing in power and importance, and consists at this time of more than twenty German states, and embraces a population of twenty-seven millions of people united for all the purposes of commercial intercourse with each other and with foreign states, offers to the latter the most valuable exchanges on principles more liberal than are offered in the fiscal system of any other European power. From its origin, the importance of the German union has never been lost sight of by the United States. The industry, morality, and other valuable qualities of the German nation, have always been well known and appreciated. On this subject I invite the attention of Congress to the report of the secretary of state, from which it will be seen that, while our cotton is admitted free of duty, and the duty on rice has been much reduced (which has already led to a greatly-increased consumption), a strong disposition has been recently evinced by that great body to reduce, upon certain conditions, their present duty upon tobacco. This being the first intimation

of a concession on this interesting subject ever made by any European power, I can not but regard it as well calculated to remove the only impediment which has so far existed to the most liberal commercial intercourse between us and them. In this view, our minister at Berlin, who has heretofore industriously pursued the subject, has been instructed to enter upon the negotiation of a commercial treaty, which, while it will open new advantages to the agricultural interests of the United States, and a more free and expanded field for commercial operations, will affect injuriously no existing interest of the Union. Should the negotiation be crowned with success, its results will be communicated to both houses of Congress.

I communicate herewith certain despatches received from our minister at Mexico, and also a correspondence which has recently occurred between the envoy from that republic and the secretary of state. It must be regarded as not a little extraordinary, that the government of Mexico, in anticipation of a public discussion (which it has been pleased to infer, from newspaper publications, as likely to take place in Congress, relating to the annexation of Texas to the United States), should so far have anticipated the result of such discussion, as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent Congress from introducing that question as a fit subject for its calm deliberation and final judgment, the executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations. Nor will the executive department of the government fail, for any such cause, to discharge its whole duty to the country.

The war which has existed for so long a time between Mexico and Texas has, since the battle of San Jacinto, consisted, for the most part, of predatory incursions, which, while they have been attended with much of suffering to individuals, and have kept the borders of the two countries in a state of constant alarm, have failed to approach to any definitive result Mexico has fitted out no formidable armament, by land or by sea, for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico; and, during that time, she has been recognised as a sovereign power by several of the principal civilized states. Mexico, nevertheless, perseveres in her plans of reconquest, and refuses to recognise her independence. The predatory incursions to which I have alluded have been attended, in one instance, with the breaking up of the courts of justice, by the seizing upon the persons of the judges, jury, and officers of the court, and dragging them along with unarmed, and therefore non-combatant citizens, into a cruel and oppressive bondage; thus leaving crime to go unpunished, and immorality to pass unreproved. A border warfare is evermore to be deprecated; and over such a war as has existed for so many years between these two states, humanity has had great cause to lament. Nor is such a condition of things to be deplored only because of the individual suffering attendant upon it. The effects are far more extensive. The Creator of the universe has given man the earth for his resting-place, and its fruits for his subsistence. Whatever, therefore, shall make the first, or any part of it, a scene of desolation, affects injuriously his heritage, and may be regarded as a general calamity. Wars may sometimes be necessary; but

all nations have a common interest in bringing them speedily to a close. The United States have an immediate interest in seeing an end put to the state of hostilities existing between Mexico and Texas. They are our neighbors of the same continent, with whom we are not only desirous of cultivating the relations of amity, but of the most extended commercial intercourse, and to practise all the rites of a neighborhood hospitality. Our own interests are involved in the matter; since, however neutral may be our course of policy, we can not hope to escape the effects of a spirit of jealousy on the part of both of the powers. Nor can this government be indifferent to the fact, that a warfare such as is waged between those two nations is calculated to weaken both powers, and finally to render them—and especially the weaker of the two—the subjects of interference on the part of stronger and more powerful nations; which, intent only on advancing their own peculiar views, may sooner or later attempt to bring about a compliance with terms, as the condition of their interposition, alike derogatory to the nation granting them, and detrimental to the interests of the United States. We could not be expected quietly to permit any such interference to our disadvantage. Considering that Texas is separated from the United States by a mere geographical line—that her territory, in the opinion of many, down to a late period, formed a portion of the territory of the United States—that it is homogeneous in its population and pursuits with the adjoining states, and makes contributions to the commerce of the world in the same articles with them—and that most of her inhabitants have been citizens of the United States, speak the same language, and live under similar political institutions with ourselves—this government is bound by every consideration of interest, as well as of sympathy, to see that she shall be left free to act, especially in regard to her domestic affairs, unawed by force, and unrestrained by the policy or views of other countries. In full view of all these considerations, the executive has not hesitated to express to the government of Mexico how deeply it deprecated a continuance of the war, and how anxiously it desired to witness its termination. I can not but think that it becomes the United States, as the oldest of the American republics, to hold a language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased. There must be a limit to all wars; and if the parent state, after an eight years' struggle, has failed to reduce to submission a portion of its subjects standing out in revolt against it, and who have not only proclaimed themselves to be independent, but have been recognised as such by other powers, she ought not to expect that other nations will quietly look, to their obvious injury, upon a protraction of hostilities. These United States threw off their colonial dependence, and established independent governments; and Great Britain, after having wasted her energies in the attempt to subdue them for a less period than Mexico has attempted to subjugate Texas, had the wisdom and justice to acknowledge their independence; thereby recognising the obligation which rested on her as one of the family of nations. An example thus set by one of the proudest as well as most powerful nations of the earth, it could in no way disparage Mexico to imitate. While, therefore, the executive would deplore any collision with Mexico, or any disturbance of the friendly relations which exist between the two countries, it can not permit that government to control its policy, whatever it may be, toward Texas; but will treat her—as, by the recognition of her independence, the United States have long since declared they would do—as entirely

independent of Mexico. The high obligations of public duty may enforce from the constituted authorities of the United States a policy which the course persevered in by Mexico will have mainly contributed to produce; and the executive, in such a contingency, will, with confidence, throw itself upon the patriotism of the people to sustain the government in its course of action.

Measures of an unusual character have recently been adopted by the Mexican government, calculated in no small degree to affect the trade of other nations with Mexico, and to operate injuriously to the United States. All foreigners, by a decree of the 23d day of September, and after six months from the day of its promulgation, are forbidden to carry on the business of selling by retail any goods within the confines of Mexico. Against this decree our minister has not failed to remonstrate.

The trade heretofore carried on by our citizens with Santa Fé, in which much capital was already invested, and which was becoming of daily increasing importance, has suddenly been arrested by a decree of virtual prohibition on the part of the Mexican government. Whatever may be the right of Mexico to prohibit any particular course of trade to the citizens or subjects of foreign powers, this late procedure, to say the least of it, wears a harsh and unfriendly aspect.

The instalments on the claims recently settled by the convention with Mexico have been punctually paid as they have fallen due, and our minister is engaged in urging the establishment of a new commission, in pursuance of the convention for the settlement of unadjusted claims.

With the other American states our relations of amity and good-will have remained uninterrupted. Our minister near the republic of New Grenada has succeeded in effecting an adjustment of the claim upon that government for the schooner "By Chance," which had been pending for many years. The claim for the brig "Morris," which had its origin during the existence of the republic of Colombia, and indemnification for which, since the dissolution of that republic, has devolved upon its several members, will be urged with renewed zeal.

I have much pleasure in saying that the government of Brazil has adjusted the claim upon that government in the case of the schooner "John S. Bryan," and that sanguine hopes are entertained that the same spirit of justice will influence its councils in arriving at an early decision upon the remaining claims; thereby removing all cause of dissension between two powers whose interests are, to some extent, interwoven with each other.

Our minister at Chili has succeeded in inducing a recognition by that government of the adjustment, effected by his predecessor, of the first claim in the case of the "Macedonian." The first instalment has been received by the claimants in the United States.

Notice of the exchange of ratifications of the treaty with Peru, which will take place at Lima, has not yet reached this country, but is shortly expected to be received, when the claims upon that republic will doubtless be liquidated and paid.

In consequence of a misunderstanding between this government and that of Buenos Ayres, occurring several years ago, this government has remained unrepresented at that court, while a minister from it has been constantly resident here. The causes of irritation have, in a great measure, passed away; and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the

present session of Congress, with the concurrence of the senate to restore diplomatic relations between the two countries.

Under the provisions of an act of Congress of the last session, a minister was despatched from the United States to China, in August of the present year; who, from the latest accounts we have from him, was at Suez, in Egypt, on the 25th of September last, on his route to China.

In regard to the Indian tribes residing within our jurisdictional limits, the greatest vigilance of the government has been exerted, to preserve them at peace among themselves, and to inspire them with feelings of confidence in the justice of this government, and to cultivate friendship with the border inhabitants. This has happily succeeded to a great extent; but it is a subject of regret, that they suffer themselves, in some instances, to be imposed upon by artful and designing men; and this notwithstanding all efforts of the government to prevent it.

The receipts into the treasury for the calendar year 1843, exclusive of loans, were little more than eighteen millions of dollars; and the expenditures, exclusive of the payments on the public debt, will have been about twenty-three millions of dollars. By the act of 1842, a new arrangement of the fiscal year was made, so that it should commence on the first day of July in each year. The accounts and estimates for the current fiscal year, will show that the loans and treasury-notes made and issued before the close of the last Congress, to meet the anticipated deficiency, have not been entirely adequate. Although, on the 1st of October last, there was a balance in the treasury, in consequence of the provisions thus made, of three millions, nine hundred and fourteen thousand, eighty-two dollars, and seventy-seven cents, yet the appropriations already made by Congress will absorb that balance, and leave a probable deficiency of two millions of dollars, at the close of the present fiscal year. There are outstanding treasury-notes to about the amount of four millions, six hundred thousand dollars; and should they be returned upon the treasury during the fiscal year, they will require provision for their redemption. I do not, however, regard this as probable, since they have obviously entered into the currency of the country, and will continue to form a portion of it, if the system now adopted be continued. The loan of 1841, amounting to five millions, six hundred and seventy-two thousand, nine hundred and seventy-six dollars, and eighty-eight cents, falls due on the 1st of January, 1845, and must be provided for, or postponed by a new loan. And, unless the resources of revenue should be materially increased by you, there will be a probable deficiency for the service of the fiscal year ending June 30th, 1845, of upward of four millions of dollars.

The delusion incident to an enormously excessive paper circulation, which gave a fictitious value to everything, and stimulated adventure and speculation to an extravagant extent, has been, happily, succeeded by the substitution of the precious metals, and paper promptly redeemable in specie; and thus false values have disappeared, and a sounder condition of things has been introduced. This transition, although intimately connected with the prosperity of the country, has nevertheless been attended with much embarrassment to the government, in its financial concerns. So long as the foreign importers could receive payment for their cargoes, in a currency of greatly less value than that in Europe, but fully available here in the purchase of our agricultural productions (their profits being immeasurably augmented by the operation), the shipments were large, and the revenues of the government became superabundant. But the change

in the character of the circulation, from a nominal, and apparently real value, in the first stage of its existence, to an obviously depreciated value in its second, so that it no longer answered the purposes of exchange or barter, and its ultimate substitution by a sound metallic and paper circulation combined, has been attended by diminished importations, and a consequent falling off in the revenue. This has induced Congress, from 1837, to resort to the expedient of issuing treasury-notes; and finally, of funding them, in order to supply deficiencies. I can not, however, withhold the remark, that it is in no way compatible with the dignity of the government, that a public debt should be created in time of peace, to meet the current expenses of the government, or that temporary expedients should be resorted to an hour longer than it is possible to avoid them. The executive can do no more than apply the means which Congress places in its hands for the support of government; and happily for the good of the country, and for the preservation of its liberties, it possesses no power to levy exactions on the people, or to force from them contributions to the public revenue, in any form. It can only recommend such measures as may, in its opinion, be called for by the wants of the public service, to Congress, with whom alone rests the power to "lay and collect taxes, duties, imposts and excises." This duty has, upon several occasions heretofore, been performed. The present condition of things gives flattering promise that trade and commerce are rapidly reviving; and, fortunately for the country, the sources of revenue have only to be opened, in order to prove abundant.

While we can anticipate no considerable increase in the proceeds of the sales of the public lands, for reasons perfectly obvious to all, for several years to come, yet the public lands can not otherwise than be regarded as the foundation of the public credit. With so large a body of the most fertile lands in the world, under the control and at the disposal of this government, no one can reasonably doubt its entire ability to meet its engagements under every emergency. In seasons of trial and difficulty, similar to those through which we are passing, the capitalist makes his investments in the government stocks, with the most assured confidence of ultimate reimbursement; and whatever may be said of a period of great financial prosperity, such as existed for some years after 1833, I should regard it as suicidal, in a season of financial embarrassment, to alienate either the lands themselves, or the proceeds arising from their sales. The first and paramount duty of those to whom may be intrusted the administration of public affairs, is to guard the public credit. In re-establishing the credit of this central government, the readiest and most obvious mode is taken to restore the credit of the states. The extremities can only be made sound by producing a healthy action in the central government; and the history of the present day fully establishes the fact, that an increase in the value of the stocks of this government, will, in a great majority of instances, be attended by an increase in the value of the stocks of the states. It should, therefore, be a matter of general congratulation, that amid all the embarrassments arising from surrounding circumstances, the credit of the government should have been so fully restored that it has been enabled to effect a loan of seven millions of dollars, to redeem that amount of treasury-notes, on terms more favorable than any that have been offered for many years. And the six per cent. stock which was created in 1842, has advanced in the hands of the holders to nearly twenty per cent. above its par value. The confidence of the people in

the integrity of their government has thus been signally manifested. These opinions relative to the public lands, do not, in any manner, conflict with the observance of the most liberal policy toward those of our fellow-citizens who press forward into the wilderness, and are the pioneers in the work of its reclamation. In securing to all such their rights of pre-emption, the government performs but an act of retributive justice, for sufferings encountered and hardships endured, and finds ample remuneration in the comforts which its policy insures, and the happiness which it imparts.

Should a revision of the tariff, with a view to revenue, become necessary in the estimation of Congress, I doubt not you will approach the subject with a just and enlightened regard to the interests of the whole Union. The principles and views which I have heretofore had occasion to submit, remain unchanged. It can, however, never be too often repeated, that the prominent interest of every important pursuit of life requires, for success, permanency and stability in legislation. These can only be attained by adopting, as the basis of action, moderation in all things; which is as indispensably necessary to secure the harmonious action of the political as of the animal system. In our political organization, no one section of the country should desire to have its supposed interests advanced at the sacrifice of all others; but union being the great interest, equally precious to all, should be fostered and sustained by mutual concessions, and the cultivation of that spirit of compromise from which the constitution itself proceeded.

You will be informed, by the report from the treasury department, of the measures taken under the act of the last session authorizing the reissue of treasury-notes in lieu of those then outstanding. The system adopted, in pursuance of existing laws, seems well calculated to save the country a large amount of interest, while it affords conveniences, and obviates dangers and expense in the transmission of funds to disbursing agents. I refer you, also, to that report, for the means proposed by the secretary to increase the revenue, and particularly to that portion of it which relates to the subject of the warehousing system, which I earnestly urged upon Congress at its last session, and as to the importance of which my opinion has undergone no change.

In view of the disordered condition of the currency at the time, and the high rates of exchange between different parts of the country, I felt it to be incumbent on me to present to the consideration of your predecessors a proposition, conflicting in no degree with the constitution or with the rights of the states, and having the sanction (not in detail, but in principle) of some of the eminent men who have preceded me in the executive office. That proposition contemplated the issuing of treasury-notes of denominations of not less than five nor more than one hundred dollars, to be employed in the payment of the obligations of the government in lieu of gold and silver, at the option of the public creditor, and to an amount not exceeding fifteen millions of dollars. It was proposed to make them receivable everywhere, and to establish at various points depositories of gold and silver, to be held in trust for the redemption of such notes, so as to insure their convertibility into specie. No doubt was entertained that such notes would have maintained a par value with gold and silver—thus furnishing a paper currency of equal value over the Union, thereby meeting the just expectations of the people, and fulfilling the duties of a parental government. Whether the depositories should be permitted to sell or pur-

chase bills, under very limited restrictions, together with all its other details, was submitted to the wisdom of Congress, and was regarded as of secondary importance. I thought then, and think now, that such an arrangement would have been attended with the happiest results. The whole matter of the currency would have been placed where, by the constitution, it was designed to be placed—under the immediate supervision and control of Congress. The action of the government would have been independent of all corporations, and the same eye which rests unceasingly on the specie currency, and guards it against adulteration, would also have rested on the paper currency, to control and regulate its issues, and protect it against depreciation. The same reasons which would forbid Congress from parting with the power over the coinage, would seem to operate with nearly equal force in regard to any substitution for the precious metals in the form of a circulating medium. Paper, when substituted for specie, constitutes a standard of value by which the operations of society are regulated; and whatsoever causes its depreciation, affects society to an extent nearly, if not quite, equal to the adulteration of the coin. Nor can I withhold the remark, that its advantages, contrasted with the bank of the United States—apart from the fact that a bank was esteemed obnoxious to the public sentiment, as well on the score of expediency as of constitutionality—appeared to me to be striking and obvious. The relief which a bank would afford by an issue of fifteen millions of dollars of its notes, judging from the experience of the late United States bank, would not have occurred in less than fifteen years; whereas, under the proposed arrangement, the relief arising from the issue of fifteen millions of dollars of treasury-notes would have been consummated in one year: thus furnishing, in one fifteenth part of the time in which a bank could have accomplished it, a paper medium of exchange, equal in amount to the real wants of the country, at par value with gold and silver. The saving to the government would have been equal to all the interest which it has had to pay on treasury-notes of previous as well as subsequent issues; thereby relieving the government, and, at the same time, affording relief to the people. Under all the responsibilities attached to the station which I occupy, and in redemption of a pledge given to the last Congress at the close of its first session, I submitted the suggestion to its consideration, at two consecutive sessions. The recommendation, however, met with no favor at its hands. While I am free to admit that the necessities of the times have since become greatly ameliorated, and that there is good reason to hope that the country is safely and rapidly emerging from the difficulties and embarrassments which everywhere surrounded it in 1841, yet I can not but think that its restoration to a sound and healthy condition would be greatly expedited by a resort to the expedient in a modified form.

The operations of the treasury now rest upon the act of 1789, and the resolution of 1816; and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that public sentiment is averse to the plan, either as heretofore recommended to Congress, or in a modified form, while my own opinion in regard to it would remain unchanged, I should be very far from again presenting it to your consideration. The government originated with the states and the people, for their own benefit and advantage; and it would be subversive of the foundation-principles of the political edifice

which they have reared, to persevere in a measure which, in their mature judgments, they had either repudiated or condemned The will of our constituents, clearly expressed, should be regarded as the light to guide our footsteps; the true difference between a monarchical or aristocratical government and a republic being, that, in the first, the will of the few prevails over the will of the many; while, in the last, the will of the many should be alone consulted.

The report of the secretary of war will bring you acquainted with the condition of that important branch of the public service. The army may be regarded, in consequence of the small number of the rank and file in each company and regiment, as little more than a nucleus, around which to rally the military force of the country, in case of war, and yet its services in preserving the peace of the frontiers are of a most important nature. In all cases of emergency, the reliance of the country is properly placed in the militia of the several states; and it may well deserve the consideration of Congress, whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present, and of easy application to the great body of the militia in time of war.

The expenditures of the war department have been considerably reduced in the last two years. Contingencies, however, may arise, which would call for the filling up of the regiments with a full complement of men, and make it very desirable to remount the corps of dragoons, which, by an act of the last Congress, was directed to be dissolved.

I refer you to the accompanying report of the secretary, for information in relation to the navy of the United States. While every effort has been, and will continue to be made, to retrench all superfluities, and lop off all excrescences which, from time to time, may have grown up, yet it has not been regarded as wise or prudent to recommend any material change in the annual appropriations. The interests which are involved are of too important a character to lead to the recommendation of any other than a liberal policy. Adequate appropriations ought to be made, to enable the executive to fit out all the ships that are now in a course of building, or that require repairs, for active service in the shortest possible time, should any emergency arise which may require it. An efficient navy, while it is the cheapest means of public defence, enlists in its support the feelings of pride and confidence which brilliant deeds and heroic valor have heretofore served to strengthen and confirm.

I refer you particularly to that part of the secretary's report which has reference to recent experiments in the application of steam, and in the construction of our war-steamers, made under the superintendence of distinguished officers of the navy. In addition to other manifest improvements in the construction of the steam-engine, and application of the motive power, which has rendered them more appropriate to the uses of ships-of-war, one of those officers has brought into use a power which makes the steamship most formidable either for attack or defence. I can not too strongly recommend this subject to your consideration, and do not hesitate to express my entire conviction of its great importance.

I call your particular attention, also, to that portion of the secretary's report which has reference to the act of the late session of Congress, which prohibited the transfer of any balance of appropriation from other heads of appropriation to that for building, equipment, and repair. The repeal of that prohibition will enable the department to give renewed em-

ployment to a large class of workmen who have been necessarily discharged, in consequence of the want of means to pay them—a circumstance attended, especially at this season of the year, with much privation and suffering.

It gives me great pain to announce to you the loss of the steamship "The Missouri," by fire, in the bay of Gibraltar, where she had stopped to renew her supplies of coal, on her voyage to Alexandria, with Mr. Cushing, the American minister to China, on board. There is ground for high commendation of the officers and men, for the coolness, and intrepidity, and perfect submission to discipline, evinced under the most trying circumstances. Surrounded by a raging fire, which the utmost exertions could not subdue, and which threatened momentarily the explosion of her well-supplied magazines, the officers exhibited no signs of fear, and the men obeyed every order with alacrity. Nor was she abandoned, until the last gleam of hope of saving her had expired. It is well worthy of your consideration, whether the losses sustained by the officers and crew, in this unfortunate affair, should not be reimbursed to them.

I can not take leave of this painful subject, without adverting to the aid rendered upon the occasion by the British authorities at Gibraltar, and the commander, officers, and crew, of the British ship-of-the-line, "The Malabar," which was lying at the time in the bay. Everything that generosity or humanity could dictate, was promptly performed. It is by such acts of good-will by one to another of the family of nations, that fraternal feelings are nourished, and the blessings of permanent peace secured.

The report of the postmaster-general will bring you acquainted with the operations of that department during the past year, and will suggest to you such modifications of the existing laws as, in your opinion, the exigencies of the public service may require. The change which the country has undergone, of late years, in the mode of travel and transportation, has afforded so many facilities for the transmission of mail-matter out of the regular mail, as to require the greatest vigilance and circumspection in order to enable the officer at the head of the department to restrain the expenditures within the income. There is also too much reason to fear that the franking privilege has run into great abuse. The department, nevertheless, has been conducted with the greatest vigor, and has attained, at the least possible expense, all the useful objects for which it was established.

In regard to all the departments, I am quite happy in the belief that nothing has been left undone which was called for by a true spirit of economy, or by a system of accountability rigidly enforced. This is, in some degree, apparent, from the fact that the government has sustained no loss by the default of any of its agents. In the complex, but at the same time, beautiful machinery of our system of government, it is not a matter of surprise that some remote agency may have failed, for an instant, to fulfil its desired office, but I feel confident in the assertion, that nothing has occurred to interrupt the harmonious action of the government itself; and that, while the laws have been executed with efficiency and vigor, the rights neither of states nor of individuals have been trampled on or disregarded.

In the meantime, the country has been steadily advancing in all that contributes to national greatness. The tide of population continues unbrokenly to flow into the new states and territories, where a refuge is found, not only for our native-born fellow-citizens, but for emigrants from all parts of the civilized world, who come among us to partake of the

blessings of our free institutions, and to aid by their labor to swell the current of our wealth and power.

It is due to every consideration of public policy that the lakes and rivers of the west should receive all such attention at the hands of Congress as the constitution will enable it to bestow. Works in favorable and proper situations on the lakes would be found to be as indispensably necessary, in case of war, to carry on safe and successful naval operations, as fortifications on the Atlantic seaboard. The appropriation made by the last Congress for the improvement of the navigation of the Mississippi river, has been diligently and efficiently applied.

I can not close this communication, gentlemen, without recommending to your most favorable consideration the interests of this district. Appointed by the constitution its exclusive legislators, and forming, in this particular the only anomaly in our system of government—that of the legislative body being elected by others than those for whose advantage they are to legislate—you will feel a superadded obligation to look well into their condition, and to leave no cause for complaint or regret. The seat of government of our associated republics can not but be regarded as worthy of your parental care.

In connexion with its other interests, as well as those of the whole country, I recommend that, at your present session, you adopt such measures, in order to carry into effect the Smithsonian bequest, as in your judgment will be best calculated to consummate the liberal intent of the testator.

When, under a dispensation of Divine Providence, I succeeded to the presidential office, the state of public affairs was embarrassing and critical. To add to the irritation consequent upon a long-standing controversy with one of the most powerful nations of modern times, involving not only questions of boundary (which, under the most favorable circumstances, are always embarrassing), but, at the same time, important and high principles of maritime law, border controversies between the citizens and subjects of the two countries had engendered a state of feeling and of conduct, which threatened the most calamitous consequences. The hazards incident to this state of things were greatly heightened by the arrest and imprisonment of a subject of Great Britain, who, acting (as it was alleged) as a part of a military force, had aided in the commission of an act violative of the territorial jurisdiction of the United States, and involving the murder of a citizen of the state of New York. A large amount of claims against the government of Mexico remained unadjusted, and a war of several years' continuance with the savage tribes of Florida still prevailed, attended with the desolation of a large portion of that beautiful territory, and with the sacrifice of many valuable lives. To increase the embarrassments of the government, individual and state credit had been nearly stricken down, and confidence in the general government was so much impaired, that loans of a small amount could only be negotiated at a considerable sacrifice. As a necessary consequence of the blight which had fallen on commerce and mechanical industry, the ships of the one were thrown out of employment, and the operations of the other had been greatly diminished. Owing to the condition of the currency, exchanges between different parts of the country had become ruinously high, and trade had to depend on a depreciated paper currency in conducting its transactions. I shall be permitted to congratulate the country that, under an overruling Providence, peace was preserved without a sacrifice of the

national honor; the war in Florida was brought to a speedy termination; a large portion of the claims on Mexico have been fully adjudicated, and are in a course of payment, while justice has been rendered to us in other matters by other nations; confidence between man and man is in a great measure restored, and the credit of this government fully and perfectly re-established. Commerce is becoming more and more extended in its operations, and manufacturing and mechanical industry once more reaps the rewards of skill and labor honestly applied. The operations of trade rest on a sound currency, and the rates of exchange are reduced to their lowest amount. In this condition of things, I have felt it to be my duty to bring to your favorable consideration matters of great interest, in their present and ultimate results; and the only desire which I feel in connexion with the future is, and will continue to be, to leave the country prosperous, and its institutions unimpaired.

SPECIAL MESSAGE.

DECEMBER 16, 1843.

To the House of Representatives of the United States:—

THE two houses of Congress, at their last session, passed a joint resolution, which originated in the house of representatives, presenting the thanks of Congress to Samuel T. Washington, for the service-sword of George Washington, and the staff of Benjamin Franklin, presented by him to Congress. This resolution (in consequence, doubtless, of a merely accidental omission) did not reach me until after the adjournment of Congress, and therefore did not receive my approval and signature, which it would otherwise promptly have received. I nevertheless felt myself at liberty, and deemed it entirely proper, to communicate a copy of the resolution to Mr. Washington, as is manifested by the accompanying copy of the letter which I addressed to him. The joint resolution, together with a copy of the letter, is deposited in the department of state, and can be withdrawn and communicated to the house, if it see cause to require them.

SPECIAL MESSAGE.

DECEMBER 18, 1843.

To the House of Representatives of the United States:—

I RECEIVED, within a few hours of the adjournment of the last Congress, a resolution, "directing payment of the certificates or awards issued by the commissioners, under the treaty with the Cherokee Indians." Its provisions involved principles of great importance, in reference to which, it required more time to obtain the necessary information than was allowed.

The balance of the fund provided by Congress for satisfying claims under the seventeenth article of the Cherokee treaty, referred to in the resolution, is wholly insufficient to meet the claims still pending. To direct the payment, therefore, of the whole amount of those claims which

happened to be first adjudicated, would prevent a ratable distribution of the fund among those equally entitled to its benefits. Such a violation of the individual rights of the claimants, would impose upon the government the obligation of making further appropriations to indemnify them; and thus Congress would be obliged to enlarge a provision liberal and equitable, which it had made for the satisfaction of all the demands of the Cherokees. I was unwilling to sanction a measure which would thus indirectly overturn the adjustment of our differences with the Cherokees, accomplished with so much difficulty, and to which time is reconciling those Indians.

If no such indemnity should be provided, then a palpable and very gross wrong would be inflicted upon the claimants who had not been so fortunate as to have their claims taken up in preference to others. Besides, the fund, having been appropriated by law to a specific purpose, in fulfilment of the treaty, it belongs to the Cherokees, and the authority of this government to direct its application to particular claims, is more than questionable.

The direction in the joint resolution, therefore, to pay the awards of the commissioners, to the amount of one hundred thousand dollars, seems to me quite objectionable and could not be approved.

The further direction, that the certificates required to be issued by the treaty, and in conformity with the practice of the board heretofore, shall be proper and sufficient vouchers, upon which payments shall be made at the treasury, is a departure from the system established soon after the adoption of the constitution, and maintained ever since. That system requires that payments, under the authority of any department, shall be made upon its requisition, countersigned by the proper auditor and comptroller. The greatest irregularity would ensue from the mode of payment prescribed by the resolution.

I have deemed it respectful and proper to lay before the house of representatives these reasons for having withheld my approval of the abovementioned joint resolution.

SPECIAL MESSAGE.

JANUARY 16, 1844.

To the House of Representatives of the United States:—

IN answer to the resolution of the house of representatives, of the 10th instant, requesting the president to communicate to that body "copies of all correspondence with any foreign government, relative to the title, boundary, discovery, and settlement, of the territory of Oregon," I have to state, that the information called for by the house has been already, from time to time, transmitted to Congress, with the exception of such correspondence as has been held within the last few months, between the department of state and our minister at London; that there is a prospect of opening a negotiation on the subject of the northwestern boundary of the United States, immediately after the arrival at Washington of the newly-appointed British minister, now daily expected; and that, under existing circumstances, it is deemed expedient, with a view to the public interest, to furnish a copy of the correspondence abovementioned.

SPECIAL MESSAGE.

FEBRUARY 23, 1844.

To the House of Representatives of the United States:—

I TRANSMIT, herewith, a communication from the secretary of the navy, to which I invite the particular attention of Congress. The act, entitled, "An act to authorize the president of the United States to direct transfers of appropriation in the naval service, under certain circumstances," has this day met with my approval, under no expectation that it can be rendered available to the present wants of the service, but as containing an exposition of the views of Congress, as to the entire policy of transfers from one head of appropriation to any other in the naval service, and as a guide to the executive, in the administration of the duties of the department. The restrictions laid upon the power to transfer, by the latter clauses of the act, have rendered its passage of no avail at the present moment.

It will, however, be perceived, by the document accompanying the report of the secretary, that there has been realized by recent sales of old iron, copper, and other materials, the sum of one hundred and sixteen thousand, nine hundred and twenty-two dollars, and seventy-nine cents. These sales were ordered for the express purpose of enabling the executive to complete certain ships now on the stocks, the completion of which is called for by the economical wants of the service; and the doubt existing as to the power of the government to apply this sum to the objects contemplated, proceeds from the fact, that the late secretary of the navy directed them to be placed in the treasury, although, in so doing, he had no intention of diverting them from their intended head of expenditure. The secretary of the treasury, however, has brought himself to the opinion, that they could only be entered under the head of miscellaneous receipts, and therefore can only be withdrawn by authority of an express act of Congress. I would suggest the propriety of the passage of such an act, without delay.

As intimately associated with the means of public defence, I can not forbear urging upon you the importance of constructing, upon the principles which have been brought into use in the construction of the Princeton, several ships-of-war of a larger class, better fitted than that ship to the heavy armament which should be placed on board of them. The success which has so eminently crowned this first experiment, should encourage Congress to lose no time in availing the country of all the important benefits so obviously destined to flow from it. Other nations will speedily give their attention to the subject; and it would be criminal in the United States—the first to apply to practical purposes the great power which has been brought into use—to permit others to avail themselves of our improvements, while we stood listlessly and supinely by. In the number of steam vessels-of-war, we are greatly surpassed by other nations, and yet to Americans is the world indebted for that great discovery of the means of successfully applying steam-power, which has, in the last quarter century, so materially changed the condition of the world. We have now taken another, and even bolder step, the results of which upon the affairs of nations remain still to be determined; and I can not but flatter myself that it will be followed up, without loss of time, to the full extent of the public

demands. The secretary of the navy will be instructed to lay before you suitable estimates of the cost of constructing so many ships of such size and dimensions as you may think proper to order to be built.

The application of steam-power to ships-of-war, no longer confines us to the seaboard in their construction. The urgent demands of the service for the gulf of Mexico, and the substitution of iron for wood, in the construction of ships, plainly points to the establishment of a navy-yard at some suitable place on the Mississippi. The coal-fields and iron-mines of the extensive region watered by that noble river, recommend such an establishment, while high considerations of public policy would lead to the same conclusion.

One of the complaints of the western states against the actual operation of our system of government, is, that while large and increasing expenditures of public money are made on the Atlantic frontier, the expenditures in the interior are comparatively small. The time has now arrived when this cause of complaint may be, in a great measure, removed, by adopting the legitimate and necessary policy which I have indicated, thereby throwing around the states another bond of union.

I could not forego the favorable opportunity which has presented itself, growing out of the communication from the secretary of the navy, to urge upon you the foregoing recommendations.

SPECIAL MESSAGE.

FEBRUARY 29, 1844.

To the Senate and House of Representatives of the United States:—

I HAVE to perform the melancholy duty of announcing to the two houses of Congress the death of the Hon. Abel P. Upshur, late secretary of state, and the Hon. T. W. Gilmer, late secretary of the navy.

This most lamentable occurrence transpired on board the United States ship-of-war Princeton, on yesterday, at about half after four o'clock in the evening, and proceeded from the explosion of one of the large guns of that ship.

The loss which the government and the country have sustained by this deplorable event, is heightened by the death, at the same time, and by the same cause, of several distinguished persons and valuable citizens.

I shall be permitted to express my great grief at an occurrence which has thus so suddenly stricken from my side two gentlemen upon whose advice I so confidently relied, in the discharge of my arduous task of administering the office of the executive department, and whose services at this interesting period were of such vast importance.

In some relief of the public sorrow which must necessarily accompany this most painful event, it affords me much satisfaction to say, that it was produced by no carelessness or inattention on the part of the officers and crew of the Princeton, but must be set down as one of those casualties which, to a greater or less degree, attend upon every service, and which are invariably incident to the temporal affairs of mankind. I will also add, that it in no measure detracts, in my estimation, from the value of the improvement contemplated in the construction of the Princeton, or from the merits of her brave and distinguished commander and projector.

SPECIAL MESSAGE.

MARCH 20, 1844.

To the House of Representatives of the United States :—

I TRANSMIT, herewith, to the house of represeutatives, a copy of the convention concluded on the 17th day of March, 1841, between the United States and the republic of Peru, which has been duly ratified, and of which the ratifications have been exchanged.

The communication of this treaty is now made, to the end that suitable measures may be adopted to give effect to the first article thereof, which provides for the distribution among the claimants of the sum of three hundred thousand dollars, thereby stipulated to be paid.

SPECIAL MESSAGE.

MARCH 26, 1844.

To the House of Representatives of the United States :—

I submit, for the consideration of Congress, the accompanying communication from A. Pageot, minister plenipotentiary, *ad interim*, of the king of the French, upon the subject of tonnage-duties levied on French vessels coming into ports of the United States, from the islands of St. Pierre and Miquelon, and proposing to place our commercial intercourse with those islands upon the same footing as now exists with the islands of Martinique and Gaudaloupe, as regulated by the acts of the 9th of May, 1828, and of the 13th of July, 1832. No reason is perceived for the discrimination recognised by the existing law, and none why the provisions of the acts of Congress referred to should not be extended to the commerce of the islands in question.

SPECIAL MESSAGE.

APRIL 9, 1844.

To the House of Representatives of the United States :—

IN compliance with a resolution of the house of representatives of the 23d of March last, requesting the president to lay before the house "the authority and the true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States, on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in the place of the old charter government of that state ; also, copies of the instructions to, and statements of, the charter commissioners sent to him by the then existing authorities of the state of Rhode Island ; also, copies of the correspondence between the executive of the United States and the charter government of the state of Rhode Island, and all the papers and documents connected with the same ; also, copies of the correspondence (if any)

between the heads of departments and said charter government, or any person or persons connected with the said government, and of any accompanying papers and documents; also, copies of all orders issued by the executive of the United States, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; also, copies of all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; also, copies of all orders to the officers of the revenue-cutters for the said service; also, copies of any instructions borne by the secretary of war to Rhode Island, on his visit, in 1842, to review the troops of the charter government; also, copies of any order or orders to any officer or officers of the army or navy to report themselves to the charter government; and that he be requested to lay before this house copies of any other papers or documents in the possession of the executive, connected with this subject, not above specifically enumerated," I have to inform the house that the executive did not deem it his "duty to interfere with the naval and military forces of the United States," in the late disturbances in Rhode Island; that no orders were issued by the executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island, other than those which accompany this message, and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued "to the officers of the revenue-cutters for said service;" that no instructions were borne by the secretary of war to Rhode Island, on his visit, in 1842, to review the troops of the charter government; and that no orders were given to any officer or officers of the army or navy to report themselves to the charter government. "Requests and applications" were made to the executive to fulfil the guarantees of the constitution, which impose on the federal government the obligation to protect and defend each state of the Union against "domestic violence and foreign invasion;" but the executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering by the inquiry whether Rhode Island existed as an independent state of the Union under a charter granted at an early period by the crown of Great Britain, or not. It was enough for the executive to know that she was recognised as a sovereign state by Great Britain, by the treaty of 1783; that, at a later day, she had, in common with her sister states, poured out her blood, and freely expended her treasure, in the war of the revolution; that she was a party to the articles of confederation; that at an after period she adopted the constitution of the United States as a free, independent, and republican state; and that in that character she has always possessed her full quota of representation in the senate and house of representatives; and that, up to a recent day, she has conducted all her domestic affairs, and fulfilled all her obligations as a member of the Union, in peace and war, under her *charter government*, as it is denominated by the resolution of the house of the 23d of March.

I must be permitted to disclaim entirely and unqualifiedly, the right on the part of the executive to make any real or supposed defects existing in any state constitution or form of government, the pretext for a failure to

enforce the laws or the guarantees of the constitution of the United States in reference to any such state. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced, or those guarantees complied with, because the president may believe that the right of suffrage, or any other great popular right, is either too restricted or too broadly enlarged. I also with equal strength, resist the idea that it falls within the executive competency to decide in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the executive to assume such a power, would be to assume a power of the most dangerous character. Under such assumptions, the states of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the state constitutions, and declaring the majority of to-day to be the minority of to-morrow; and the minority, in its turn, the majority, before whose decrees the established order of things in the state should be subverted. Revolution, civil commotion, and bloodshed, would be inevitable consequences. The provision in the constitution intended for the security of the states, would thus be turned into the instrument of their destruction. The president would become, in fact, the great constitution-maker for the states, and all power would be vested in his hands.

When, therefore, the governor of Rhode Island, by his letter of the 4th of April, 1842, made a requisition upon the executive for aid to put down the late disturbances, I had no hesitation in recognising the obligations of the executive to furnish such aid, upon the occurrence of the contingency provided for by the constitution and laws. My letter of the 11th of April, in reply to the governor's letter of the 4th, is herewith communicated; together with all correspondence which passed at a subsequent day, and the letters and documents mentioned in the schedule hereunto annexed. From the correspondence between the executive of the United States and that of Rhode Island, it will not escape observation, that, while I regarded it as my duty to announce the principles by which I should govern myself, in the contingency of an armed interposition on the part of this government being necessary to uphold the rights of the state of Rhode Island, and to preserve its domestic peace; yet, that the strong hope was indulged, and expressed, that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit I addressed to Governor King the letter of the 7th of May, 1842, marked "private and confidential," and received his reply of the 12th of May, of the same year. The desire of the executive was, from the beginning, to bring the dispute to a termination without the interposition of the military power of the United States; and it will continue to be a subject of self-congratulation that this leading object of policy was finally accomplished. The executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the executive to conclude that little else was designed by Mr. Dorr and his adherents than mere menace, with a view to intimidation. Nor was this opinion in any degree shaken until the 22d of June, 1842, when it was strongly represented, from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the state; which force had been recruited in the neighboring states, and had been preceded by

the collection of military stores, in considerable quantities, at one or two points. This was a state of things to which the executive could not be indifferent. Mr. Dorr speedily afterward took up his headquarters at Chepachet, and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in the neighboring states. The executive could with difficulty bring himself to realize the fact that citizens of other states should have forgotten their duty to themselves and the constitution of the United States, and have entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister-state, as to have entered into plans of invasion, conquest, and revolution; but the executive felt it to be his duty to look minutely into the matter; and therefore the secretary of war was despatched to Rhode Island, with instructions (a copy of which is herewith transmitted), and was authorized, should a requisition be made upon the executive by the government of Rhode Island, in pursuance of law, and the invaders should not abandon their purpose, to call upon the governors of Massachusetts and Connecticut for a sufficient number of militia at once to arrest the invasion, and to interpose such regular troops as could be spared from Fort Adams, for the defence of the city of Providence, in the event of its being attacked, as was strongly represented to be in contemplation. Happily, there was no necessity for either issuing the proclamation or the requisition, or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated, and Mr. Dorr's troops dispersed, without the necessity of the interposition of any military force by this government; thus confirming me in my early impressions, that nothing more had been designed, from the first, by those associated with Mr. Dorr, than to excite fear and apprehension, and thereby to obtain concessions from the constituted authorities, which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all the difficulties. A convention was shortly afterward called, by due course of law, to amend the fundamental law; and a new constitution, based on more liberal principles than that abrogated, was proposed and adopted by the people.

Thus the great American experiment of a change in government, under the influence of opinion, and not of force, has been again crowned with success; and the state and people of Rhode Island repose in safety under institutions of their own adoption, unterrified by any future prospect of necessary change, and secure against domestic violence or invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed, at one time, seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

TEXAS TREATY MESSAGE.

April 22, 1844.

To the Senate of the United States :—

I TRANSMIT, herewith, for your approval and ratification, a treaty, which I have caused to be negotiated between the United States and Texas, whereby the latter, on the conditions therein set forth, has conveyed all its right of separate and independent sovereignty and jurisdiction to the United States. In taking so important a step, I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good; and in having accomplished it, should it meet your approval, the government will have succeeded in reclaiming the territory which formerly constituted a portion, as it is confidently believed, of its domain, under the treaty of cession of 1803, by France to the United States.

The country thus proposed to be annexed, has been settled principally by persons from the United States, who emigrated on the invitation of both Spain and Mexico, and who carried with them, into the wilderness which they have partially reclaimed, the laws, customs, and political institutions of their native land. They are deeply indoctrinated in all the principles of civil liberty, and will bring along with them, in the act of reassociation, devotion to our Union, and a firm and inflexible resolution to assist in maintaining the public liberty unimpaired—a consideration which, as it appears to me, is to be regarded as one of no small moment. The country itself, thus obtained, is of an incalculable value in an agricultural and commercial point of view.

To a soil of inexhaustible fertility, it unites a genial and healthy climate, and is destined, at a day not distant, to make large contributions to the commerce of the world. Its territory is separated from the United States, in part, by an imaginary line, and by the river Sabine, for a distance of 310 miles; and its productions are the same with those of many of the contiguous states of the Union. Such is the country, such are its inhabitants, and such its capacities to add to the general wealth of the Union. As to the latter, it may be safely asserted, that in the magnitude of its productions, it will equal, in a short time, under the protecting care of this government, if it does not surpass, the combined productions of many states of the confederacy.

A new and powerful impulse will thus be given to the navigating interest of the country, which will be chiefly engrossed by our fellow-citizens of the eastern and middle states, who have already attained a remarkable degree of prosperity by the partial monopoly they have enjoyed of the carrying trade of the Union, particularly the coastwise trade, which this new acquisition is destined in time, and that not distant, to swell to a magnitude which can not easily be computed; while the addition made to the boundaries of the home-market, thus secured to their mining, manufacturing, and mechanical skill and industry, will be of a character the most commanding and important.

Such are some of the many advantages which will accrue to the eastern and middle states by the ratification of the treaty—advantages, the extent of which it is impossible to estimate with accuracy, or properly appreciate. Texas, being adapted to the culture of cotton, sugar, and rice,

and devoting most of her energies to the raising of these productions, will open an extensive market to the western states, in the important articles of beef, pork, horses, mules, &c., as well as breadstuffs. At the same time, the southern and southwestern states will find, in the fact of annexation, protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them; thus consecrating anew the union of the states, and holding out the promise of its perpetual duration.

Thus, at the same time that the tide of public prosperity is greatly swollen, an appeal, of what appears to the executive to be of an imposing if not of a resistless character, is made to the interests of every portion of the country. Agriculture, which would have a new and extensive market opened for its produce—commerce, whose ships would be freighted with the rich productions of an extensive and fertile region—and the mechanical arts, in all their various ramifications—would seem to unite in one universal demand for the ratification of the treaty.

But important as these considerations may appear, they are to be regarded as but secondary to others. Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico, as far back as 1836, and consummated her independence by the battle of San Jacinto, in the same year; since which period, Mexico has attempted no serious invasion of her territory; but the contest has assumed features of a mere border war, characterized by acts revolting to humanity. In the year 1836, Texas adopted her constitution, under which she had existed as a sovereign power ever since, having been recognised as such by many of the principal powers of the world; and contemporaneously with its adoption by a solemn vote of her people, embracing all her population but ninety-three persons, declared her anxious desire to be admitted into association with the United States, as a portion of their territory.

This vote, thus solemnly taken, has never been reversed; and now, by the action of her constituted authorities, sustained as it is by the popular sentiment, she reaffirms her desire for annexation. This course has been adopted by her without the employment of any similar measures on the part of this government. No intrigue has been set on foot to accomplish it. Texas herself wills it, and the executive of the United States, concurring with her, has seen no sufficient reason to avoid the consummation of an act esteemed to be so desirable by both. It can not be denied that Texas is greatly depressed in her energies, by her long-protracted war with Mexico.

Under these circumstances, it is but natural that she should seek for safety and repose under the protection of some stronger power; and it is equally so that her people should turn to the United States, the land of their birth, in the first instance, in the pursuit of such protection. She has often before made known her wishes; but her advances have, to this time, been repelled. The executive of the United States sees no longer any cause for pursuing such a course. The hazard of now defeating her wishes, may be of the most fatal tendency. It might lead, and most probably would, to such an entire alienation of sentiment and feeling, as would inevitably induce her to look elsewhere for aid, and force her either to enter into dangerous alliances with other nations, who, looking with more wisdom to their interests, would, it is fairly to be presumed, readily adopt such expedients; or she would hold out the proffer of discriminating duties in trade and commerce, in order to secure the necessary assistance.

Whatever step she might adopt, looking to this object, would prove dis-

astrous in the highest degree to the interests of the whole Union. To say nothing of the impolicy of our permitting the carrying-trade and home-market of such a country to pass out of our hands into those of a commercial rival, the government, in the first place, would be certain to suffer most disastrously in its revenue, by the introduction of a system of smuggling upon an extensive scale, which an army of customhouse officers could not prevent, and which would operate to affect injuriously the interests of all the industrial classes of this country. Hence would arise constant collisions between the inhabitants of the two countries, which would evermore endanger their peace.

A large increase of the military force of the United States would inevitably follow, thus devolving upon the people new and extraordinary burdens, in order not only to protect them from the danger of daily collision with Texas herself, but to guard their border inhabitants against hostile inroads, so easily excited on the part of the numerous and warlike tribes of Indians dwelling in their neighborhood. Texas would undoubtedly be unable, for many years to come, if at any time, to resist, unaided and alone, the military power of the United States; but it is not extravagant to suppose, that nations reaping a rich harvest from her trade, secured to them by advantageous treaties, would be induced to take part with her in any conflict with us, from the strongest considerations of public policy.

Such a state of things must subject to devastation the territory of contiguous states, and would cost the country, in a single campaign, more treasure, twice told over, than is stipulated to be paid and reimbursed by the treaty now proposed for ratification. I will not permit myself to dwell on this view of the subject. Consequences of a fatal character to the peace of the Union, and even to the preservation of the Union itself, might be dwelt upon. They will not, however, fail to occur to the mind of the senate and of the country. Nor do I indulge in any vague conjectures of the future. The documents now transmitted, along with the treaty, lead to the conclusion as inevitable, that if the boon be now rejected, Texas will seek for the friendship of others.

In contemplating such a contingency, it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick, and Nova Scotia, the islands in the American seas, with Texas trammeled by treaties of alliance, or of a commercial character, differing in policy from that of the United States, would complete the circle. Texas voluntarily steps forth, upon terms of perfect honor and good faith to all nations, to ask to be annexed to the Union. As an independent sovereignty, her right to do this is unquestionable. In doing so, she gives no cause of umbrage to any other power; her people desire it, and there is no slavish transfer of her sovereignty and independence. She has for eight years maintained her independence against all efforts to subdue her. She has been recognised as independent by many of the most prominent of the family of nations, and that recognition, so far as they are concerned, places her in a position, without giving any just umbrage to them, to surrender her sovereignty at her own will and pleasure. The United States, actuated evermore by a spirit of justice, has desired, by the stipulations of the treaty, to render justice to all. They have made provisions for the payment of the public debt of Texas. We look to her ample and fertile domain as the certain means of accomplishing this; but this is a matter between the United States and

Texas, and with which other governments have nothing to do. Our right to receive the rich grant tendered by Texas, is perfect; and this government should not, having due respect either to its own honor or to its own interests, permit its course of policy to be interrupted by the interference of other powers, even if such interference was threatened. The question is one purely American. In the acquisition, while we abstain most carefully from all that could interrupt the public peace, we claim the right to exercise a due regard to our own. This government can not, consistently with its honor, permit any such interference. With equal, if not greater propriety, might the United States demand of other governments to surrender their numerous and valuable acquisitions, made in time past, at numerous places on the surface of the globe, whereby they have added to their power, and enlarged their resources.

To Mexico, the executive is disposed to pursue a course, conciliatory in its character, and at the same time to render her the most ample justice, by conventions and stipulations not inconsistent with the rights and dignity of the government. It is actuated by no spirit of unjust aggrandizement, but looks only to its own security. It has made known to Mexico, at several periods, its extreme anxiety to witness the termination of hostilities between that country and Texas. Its wishes, however, have been entirely disregarded. It has ever been ready to urge an adjustment of the dispute upon terms mutually advantageous to both. It will be ready, at all times, to hear and discuss any claims Mexico may think she has on the justice of the United States, and to adjust any that may be deemed to be so, on the most liberal terms. There is no desire on the part of the executive to wound her pride, or affect injuriously her interest; but, at the same time, it can not compromit, by any delay in its action, the essential interest of the United States. Mexico has no right to ask or expect this of us—we deal rightfully with Texas, as an independent power. The was which has been waged for eight years, has resulted only in the conviction, with all others than herself, that Texas can not be reconquered.

I can not but repeat the opinion, expressed in my message at the opening of Congress, that it is time it had ceased. The executive, while it could not look upon its longer continuance without the greatest uneasiness, has nevertheless, for all past time, preserved a course of strict neutrality. It could not be ignorant of the fact of the exhaustion which a war of so long a duration had produced. Least of all, was it ignorant of the anxiety of other powers to induce Mexico to enter into terms of reconciliation with Texas, which, affecting the domestic institutions of Texas, would operate most injuriously upon the United States, and might most seriously threaten the existence of this happy Union.

Nor could it be unacquainted with the fact, that although foreign governments might disavow all design to disturb the relations which exist under the constitution, between these United States, yet that one, the most powerful among them, had not failed to declare its marked and decided hostility to the chief features in those relations, and its purpose, on all suitable occasions to urge upon Mexico the adoption of such a course in negotiating with Texas, as to produce the obliteration of that feature from her domestic policy, as one of the conditions of her recognition, by Mexico, as an independent state.

The executive was also aware of the fact, that formidable associations of persons, the subjects of foreign powers, existed, who were directing their utmost efforts to the accomplishment of this object. To these

conclusions it was inevitably brought by the documents now submitted to the senate. I repeat, the executive saw Texas in a state of almost hopeless exhaustion, and the question was narrowed down to the simple proposition, whether the United States should accept the boon of annexation on fair and liberal terms, or by refusing to do so, force Texas to seek a refuge in the arms of some other power, either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient, which might virtually make her tributary to such power, and dependent upon it for all future time.

The executive has full reason to believe that such would have been the result, without its interposition, and that such will be the result, in the event either of unnecessary delay in the ratification or the rejection of the proposed treaty.

In full view, then, of the highest public duty, and as a measure of security against evils incalculably great, the executive has entered into the negotiation, the fruits of which are now submitted to the senate.

Independent of the urgent reasons which existed for the step it has taken, it might safely invoke the fact which it confidently believes, that there exists no civilized government on earth, having a revolutionary tender made it of the domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer. Nor are other powers, Mexico inclusive, likely, in and degree, to be injuriously affected by the ratification of the treaty. The prosperity of Texas will be equally interesting to all; in the increase of the general commerce of the world, that prosperity will be secured by annexation.

But one view of the subject remains to be presented. It grows out of the proposed enlargement of our territory. From this, I am free to confess, I see no danger. The federative system is susceptible of the greatest extension, compatible with the ability of the representation of the most distant state or territory, to reach the seat of government in time to participate in the functions of legislation, and to make known the wants of the constituent body. Our confederated republic consisted originally of thirteen members. It now consists of twice that number, while applications are before Congress to permit other additions.

This addition of new states has served to strengthen, rather than to weaken the Union. New interests have sprung up, which require the united power of all, through the action of the common government, to protect and defend upon the high seas and in foreign parts. Each state commits, with perfect security, to that common government, those great interests growing out of our relations with other nations of the whole world, and which equally involve the good of all the states. Its domestic concerns are left to its own exclusive management.

But if there were any force in the objection, it would seem to require an immediate abandonment of territorial possessions which lie in the distance, and stretch to a far-off sea; and yet no one would be found, it is believed, ready to recommend such an abandonment. Texas lies at our very doors, and in our immediate vicinity.

Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of all the states, and a love of the Union, left the executive no other alternative than to negotiate the treaty. The high and solemn duty of ratifying or rejecting it, is wisely devolved on the senate, by the constitution of the United States.

SPECIAL MESSAGE.

MAY 10, 1844.

To the House of Representatives of the United States:—

I COMMUNICATE to Congress a letter from the imaum of Muscat, and a translation of it, together with sundry other papers, by which it will be perceived that his highness has been pleased again to offer to the United States a present of Arabian horses. These animals will be in Washington in a short time, and will be disposed of in such a manner as Congress may think proper to direct.

SPECIAL MESSAGE.

MAY 15, 1844.

To the Senate of the United States:—

IN answer to the resolution of the senate of the 13th instant, requesting to be informed "whether, since the commencement of the negotiation which resulted in the treaty now before the senate, for the annexation of Texas to the United States, any military preparations have been made or ordered by the president, for or in anticipation of war; and if so, for what cause, and with whom was such war apprehended, and what are the preparations that have been made or ordered? has any movement, or assemblage, or disposition, of any of the military or naval forces of the United States been made or ordered with a view to such hostilities? and to communicate to the senate copies of all orders or directions given for any such preparation, or for any such movement or disposition, or for the future conduct of such military or naval forces:" I have to inform the senate that, in consequence of the declaration of Mexico, communicated to this government, and by me laid before Congress at the opening of its present session, announcing the determination of Mexico to regard as a declaration of war against her by the United States the definitive ratification of any treaty with Texas annexing the territory of that republic to the United States, and the hope and belief entertained by the executive that the treaty with Texas for that purpose would be speedily approved and ratified by the senate, it was regarded by the executive to have become emphatically its duty to concentrate in the gulf of Mexico and its vicinity, as a precautionary measure, as large a portion of the home squadron under the command of Captain Conner, as could well be drawn together; and, at the same time, to assemble at Fort Jesup, on the borders of Texas, as large a military force as the demands of the service at other encampments would authorize to be detached. For the number of ships already in the gulf and the waters contiguous thereto, and such as are placed under orders for that destination, and of troops now assembled upon the frontier, I refer you to the accompanying reports from the secretaries of the war and navy departments. It will also be perceived by the senate, by referring to the orders of the navy department, which are herewith transmitted, that the naval officer in command of the fleet is directed to cause his ships to perform all the duties of a fleet of observation, and to

apprize the executive of any indication of a hostile design upon Texas, on the part of any nation, pending the deliberations of the senate upon the treaty, with a view that the same should promptly be submitted to Congress for its mature deliberation. At the same time, it is due to myself that I should declare it as my opinion, that the United States having by the treaty of annexation acquired a title to Texas which requires only the action of the senate to perfect it, no other power could be permitted to invade, and by force of arms to possess itself of, any portion of the territory of Texas, pending your deliberations upon the treaty, without placing itself in a hostile attitude to the United States, and justifying the employment of any means at our disposal to drive back the invasion. At the same time, it is my opinion that Mexico or any other power will find in your approval of the treaty no just cause of war against the United States; nor do I believe that there is any serious hazard of war to be found in the fact of such approval. Nevertheless, every proper measure will be resorted to by the executive to preserve upon an honorable and just basis the public peace, by reconciling Mexico, through a liberal course of policy, to the treaty.

SPECIAL MESSAGE.

MAY 15, 1844.

To the Senate of the United States:—

IN answer to the resolution of the senate of the 13th instant, requesting to be informed "whether a messenger has been sent to Mexico with a view to obtain her consent to the treaty with Texas, and, if so, to communicate to the senate a copy of the despatches of which he is the bearer, and a copy of the instructions given to said messenger; and also to inform the senate within what time said messenger is expected to return," I have to say, that no messenger has been sent to Mexico in order to obtain her consent to the treaty with Texas, it not being regarded by the executive as in any degree requisite to obtain such consent in order (should the senate ratify the treaty) to perfect the title of the United States to the territory thus acquired—the title to the same being full and perfect without the assent of any third power. The executive has negotiated with Texas as an independent power of the world, long since recognised as such by the United States and other powers, and as subordinate in all her rights of full sovereignty to no other power. A messenger has been despatched to our minister at Mexico, as bearer of the despatch already communicated to the senate, and which is to be found in the letter addressed to Mr. Green, and forms a part of the documents ordered confidentially to be printed for the use of the senate. That despatch was dictated by a desire to preserve the peace of the two countries, by denying to Mexico all pretext for assuming a belligerent attitude toward the United States, as she had threatened to do in the event of the annexation of Texas to the United States, by the despatch of her government which was communicated by me to Congress at the opening of its present session. The messenger is expected to return before the 15th of June next, but he may be detained to a later day. The recently-appointed envoy from the United States to Mexico will be sent so soon as the final action is had on the question of annexation, at which time, and not before, can his instructions be understandingly prepared.

SPECIAL MESSAGE.

MAY 18, 1844.

To the House of Representatives of the United States:—

IN answer to a resolution of the house of representatives of the 3d of January last, requesting the president of the United States "to cause to be communicated to the house copies of all the instructions given to the commanding officers of the squadron stipulated by the treaty with Great Britain of the 9th of August, 1842, to be kept on the coast of Africa for the suppression of the slave-trade," and, also, "copies of the instructions given by the British government to their squadron, stipulated by the same, if such instructions have been communicated to this government," I have to inform the house of representatives that, in my opinion, it would be incompatible with the public interests to communicate to that body, at this time, copies of the instructions referred to.

SPECIAL MESSAGE.

MAY 18, 1844.

To the Senate of the United States:—

IN answer to the resolution of the senate of the 13th instant, relating to a supposed armistice between the republics of Mexico and Texas, I transmit a report from the secretary of state, and the papers by which it was accompanied.

SPECIAL MESSAGE.

MAY 20, 1844.

To the House of Representatives of the United States:—

I HEREWITH transmit a letter from the secretary of the navy, accompanied by a report from the bureau of construction and equipment, and a communication from Lieutenant Hunter, of the navy, prepared at the request of the secretary, upon the subject of a plan for the establishment, in connexion with the government of France, of a line of steamers between the ports of Havre and New York; with estimates of the expense which may be necessary to carry the said plan into effect.

SPECIAL MESSAGE.

MAY 23, 1844.

To the Senate of the United States:—

YOUR resolution of the 18th instant, adopted in *executive* session, addressed to the secretary of treasury *ad interim*, has been communicated to me by that officer. While I can not recognise this call thus made on the

head of a department as consistent with the constitutional rights of the senate, when acting in its executive capacity, which, in such case, can only properly hold correspondence with the president of the United States, nevertheless, from an anxious desire to lay before the senate all such information as may be necessary to enable it with full understanding to act upon any subject which may be before it, I herewith transmit communications which have been made to me by the secretaries of the war and navy departments in full answer to the resolution of the senate.

RESOLUTION ABOVE REFERRED TO.

"*Resolved*, That the secretary of the treasury be directed, with as little delay as possible, to communicate to the senate whether any and what sums of money have been drawn from the treasury to be expended to carry into effect the orders of the war and navy departments, made since the 12th day of April last, for stationing troops or increasing the military force upon or near the frontier of Texas and the gulf of Mexico, and for placing a naval force in the gulf of Mexico, with any other expenditures connected with those movements; and that he state particularly under what law of Congress and from what appropriation such moneys have been taken from the treasury for expenditure."

SPECIAL MESSAGE.

MAY 31, 1844.

To the Senate of the United States:—

IN answer to the resolutions of the senate of the 22d instant, requesting information in regard to any promise by the president of military or other aid to Texas, in the event of an agreement on the part of the republic to annex herself to the United States, I transmit a report from the secretary of state, and the documents by which it was accompanied.

In my message to the senate of the 15th of this month, I adverted to the duty which, in my judgment, the signature of the treaty for the annexation of Texas had imposed upon me, to repel any invasion of that country by a foreign power while the treaty was under consideration in the senate, and I transmitted reports from the secretaries of war and of the navy, with a copy of the orders which had been issued from those departments for the purpose of enabling me to execute that duty. In those orders, General Taylor was directed to communicate with the president of Texas upon the subject, and Captain Connor was instructed to communicate with the chargé d'affaires of the United States accredited to that government. No copy of any communication which either of those officers may have made pursuant to those orders has yet been received at the department from which they emanated.

SPECIAL MESSAGE.

JUNE 7, 1844.

To the House of Representatives of the United States :—

I HEREWITH transmit to the house of representatives the copy of a letter recently addressed to the secretary of state by the British minister at Washington, with the view of ascertaining "whether it would be agreeable to this government that an arrangement should be concluded for the transmission, through the United States, of the mails to and from Canada and England, which are now landed at Halifax, and thence forwarded through the British dominions to their destination."

It will be perceived that this communication has been referred to the postmaster-general; and his opinion will accordingly be found in his letter to the department of state, of the 5th instant, a copy of which is enclosed. I lose no time in recommending the subject to the favorable consideration of the house, in bespeaking for it early attention.

TEXAS MESSAGE.

JUNE 10, 1844.

To the House of Representatives of the United States :—

THE treaty negotiated by the executive with the republic of Texas, without a departure from any form of proceeding customarily observed in the negotiations of treaties, for the annexation of that republic to the United States, having been rejected by the senate, and the subject having excited, on the part of the people, no ordinary degree of interest, I feel it to be my duty to communicate, for your consideration, the rejected treaty, together with all the correspondence and documents which have heretofore been submitted to the senate in its executive sessions. The papers communicated, embrace not only the series already made public by orders of the senate, but others from which the veil of secresy has not been removed by that body, but which I deem to be essential to a just appreciation of the entire question. While the treaty was pending before the senate, I did not consider it compatible with the just rights of that body, or consistent with the respect I entertained for it, to bring this important subject before you. The power of Congress is, however, fully competent, in some other form of proceeding, to accomplish everything that a formal ratification of the treaty could have accomplished, and I therefore feel that I should but imperfectly discharge my duty to yourselves or the country, if I failed to lay before you everything in the possession of the executive, which would enable you to act with full light on the subject, if you should deem it proper to take any action upon it.

I regard the question involved in these proceedings as one of vast magnitude, and as addressing itself to interests of an elevated and enduring character. A republic, coterminous in territory with our own, of immense resources, which require only to be brought under the influence of our confederate and free system, in order to be fully developed—promising, at no distant day, through the fertility of its soil, nearly, if not entirely, to

duplicate the exports of the country, thereby making an addition to the carrying-trade, to an amount almost incalculable, and giving a new impulse of immense importance to the commercial, manufacturing, agricultural, and shipping interests of the whole Union, and at the same time affording protection to an exposed frontier, and placing the whole country in a condition of security and repose—a territory settled mostly by emigrants from the United States, who would bring back with them, in the act of reciprocation, an unconquerable love of freedom, and an ardent attachment to our free institutions; such a question could not fail to interest most deeply in its success, those who, under the constitution, have become responsible for the faithful administration of public affairs. I have regarded it as not a little fortunate, that the question involved was no way sectional or local, but addressed itself to the interests of every part of the country, and made its appeal to the glory of the American name.

It is due to the occasion to say, that I have carefully reconsidered the objections which have been urged to immediate action upon the subject, without, in any degree, having been struck with their force. It has been objected, that the measure of annexation should be preceded by the consent of Mexico. To preserve the most friendly relations with Mexico—to concede to her, not grudgingly, but freely, all her rights—to negotiate fairly and frankly with her, as to the question of boundary—to render her, in a word, the fullest and most ample recompense for any loss she might convince us she had sustained—fully accords with feelings and views the executive has always entertained.

But negotiation, in advance of annexation, would prove not only truly abortive, but might be regarded as offensive to Mexico, and insulting to Texas. Mexico would not, I am persuaded, give ear, for a moment, to an attempt at negotiation in advance, except for the whole territory of Texas. While all the world beside regards Texas as an independent power, Mexico chooses to look upon her as a revolted province. Nor could we negotiate with Mexico for Texas, without admitting that our recognition of her independence was fraudulent, delusive, or void. It is only after acquiring Texas, that the question of boundary can arise between the United States and Mexico, a question purposely left open for negotiation with Mexico, as affording the best opportunity for the most friendly and pacific arrangements. The executive has dealt with Texas as a power independent of all others, both *de facto* and *de jure*. She was an independent state of the confederation of Mexican republics. When, by violent revolution, Mexico declared the confederation at an end, Texas owed her no longer allegiance, but claimed, and has maintained the right, for eight years, to a separate and distinct position. During that period, no army has invaded her, with a view to her reconquest. And if she has not yet established her right to be treated as a nation independent *de facto* and *de jure*, it would be difficult to say at what period she will attain that condition.

Nor can we, by any fair or any legitimate inference, be accused of violating any treaty stipulations with Mexico. The treaties with Mexico give no guarantee of any sort, and are coexistent with a similar treaty with Texas. So have we treaties with most of the nations of the earth, which are equally as much violated by the annexation of Texas to the United States, as would be our treaty with Mexico. The treaty is merely commercial, and intended as the instrument for more accurately defining the rights, and securing the interests of the citizens of each country. What

bad faith can be implied or charged upon the government of the United States, for successfully negotiating with an independent power, upon any subject not violating the stipulations of such treaty, I confess my inability to discern.

The objections which have been taken to the enlargement of our territory, were urged with much zeal against the acquisition of Louisiana; and yet the futility of such has long since been fully demonstrated. Since that period, a new power has been introduced into the affairs of the world, which has, for all practical purposes, brought Texas much nearer to the seat of government than Louisiana was at the time of its annexation. Distant regions are, by the application of the steam-engine, brought within a close proximity.

With the views which I entertain on the subject, I should prove faithless to the high trust which the constitution has devolved upon me, if I neglected to invite the attention of the representatives of the people to it at the earliest moment that a due respect for the senate would allow me so to do. I should find in the urgency of the matter a sufficient apology, if one was wanting, since annexation is to encounter a great, if not a certain hazard of final defeat, if something be not *now* done to prevent it. Upon this point I can not too impressively invite your attention to my message of the 15th of May, and to the documents which accompany it, which have not heretofore been made public. If it be objected that the names of the writers of some of the private letters are withheld, all that I can say is, that it is done for reasons regarded as altogether adequate, and that the writers are persons of the first respectability, and citizens of Texas, and have such means of obtaining information as to entitle their statements to full credit. Nor has anything occurred to weaken, but, on the contrary, much to confirm my confidence in the statements of General Jackson, and my own statement made at the close of that message, in the belief, amounting almost to certainty, "that instructions have already been given by the Texan government, to propose to the government of Great Britain forthwith, on the failure of the treaty, to enter into a treaty of commerce, and an alliance, offensive and defensive."

I also particularly invite your attention to the letter from Mr. Everett, our envoy at London, containing an account of a conversation in the house of lords, which lately occurred between Lord Brougham and Lord Aberdeen, in relation to the question of annexation. Nor can I do so without the expression of some surprise at the language that the minister of foreign affairs employed upon the occasion. That a kingdom, which is made what it now is by repeated acts of annexation—beginning with the time of the heptarchy, and concluding with the annexation of the kingdoms of Ireland and Scotland—should perceive any principle either novel or serious in the late proceedings of the American executive in regard to Texas, is well calculated to excite surprise. If it be pretended that, because of commercial or political relations which may exist between the two countries, neither has a right to part with its sovereignty, and that no third power can change those relations by a voluntary treaty of union or annexation, then it would seem to follow that an annexation to be achieved by force of arms, in the prosecution of a just and necessary war, could in no way be justified; and yet it is presumed that Great Britain would be the last nation in the world to maintain any such doctrine. The commercial and political relations of many of the countries of Europe have undergone repeated changes, by voluntary treaties, by conquest, and by partitions of

their territories, without any question as to the right under the public law. The question, in this view of it, can be considered as neither "serious' nor "novel." I will not permit myself to believe that the British minister designed to bring himself to any such conclusion; but it is impossible for us to be blind to the fact, that the statements contained in Mr. Everett's despatch are well worthy of serious consideration. The government and people of the United States have never evinced, nor do they feel, any desire to interfere in public questions not affecting the relations existing between the states of the American continent. We leave the European powers exclusive control over matters affecting their continent, and the relations of their different states. The United States claim a similar exemption from any such interference on their part. The treaty with Texas was negotiated from considerations of a high public policy, influencing the conduct of the two republics. We have treated with Texas as an independent power, solely with a view of bettering the condition of the two countries. If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries; and it seems altogether becoming in me to say, that the honor of the country, the dignity of the American name, and the permanent interests of the United States, would forbid acquiescence in any such interference. No one can more highly appreciate the value of peace to both Great Britain and the United States, and the capacity of each to do injury to the other, than myself; but yet peace can best be preserved by maintaining firmly the rights which belong to us as an independent community.

So much have I considered it proper for me to say; and it becomes me only to add, that while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the constitution, and likely to accomplish the object, I stand prepared to yield my most prompt and active co-operation.

The great question is—not as to the manner in which it shall be done, but whether it shall be accomplished or not.

The responsibility of deciding this question is now devolved upon you.

EASTERN-HARBOR BILL VETO.

June 11, 1844.

To the House of Representatives of the United States:—

I RETURN to the house of representatives, in which it originated, the bill entitled, "An act making appropriations for the improvement of certain harbors and rivers," with the following objections to its becoming a law:—

At the adoption of the constitution, each state was possessed of a separate and independent sovereignty, and an exclusive jurisdiction over all streams and water-courses within its territorial limits. The articles of confederation in no way affected this authority or jurisdiction; and the present constitution, adopted for the purpose of correcting the defects which existed in the original articles, expressly reserves to the states all powers not delegated. No such surrender of jurisdiction is made by the states to

this government, by any express grant; and if it is possessed, it is to be deduced from the clause in the constitution which invests Congress with authority "to make all laws which are necessary and proper for carrying into execution" the granted powers. There is, in my view of the subject, no pretence whatever for the claim to power which the bill now returned substantially sets up. The inferential power, in order to be legitimate, must be clearly and plainly incidental to some granted power, and necessary to its exercise.

To refer it to the head of convenience or usefulness, would be to throw open the door to a boundless and unlimited discretion, and to invest Congress with an unrestrained authority. The power to remove obstructions from the water-courses of the states is claimed under the granted power "to regulate commerce with foreign nations, *among the several states*, and with the Indian tribes;" but the plain and obvious meaning of this grant is, that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms, and on which the citizens or subjects of foreign states or kingdoms may prosecute trade with the United States, or either of them. And so the power to regulate commerce *among the several states* no more invests Congress with jurisdiction over the water-courses of the states, than the first branch of the grant does over the water-courses of foreign powers: which would be an absurdity.

The right of common use of the people of the United States to the navigable waters of each and every state, arises from the express stipulation contained in the constitution, that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." While, therefore, the navigation of any river in any state is, by the laws of such state, allowed to the citizens thereof, the same is also secured by the constitution of the United States, on the same terms and conditions, to the citizens of every other state, and so of any other privilege or immunity.

The application of the revenue of this government, if the power to do so was admitted, to improving the navigation of the rivers by removing obstructions or otherwise, would be for the most part productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take one instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the state of Virginia. Such improvement would furnish advantages to the city of Richmond, and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Petersburg, which is situated some twenty-five miles distant, on a branch of James river, and which now enjoys its fair proportion of the trade. So, too, the improvement of James river to Richmond, and the Appamattox to Petersburg, might, by inviting the trade of those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished without adding a single vessel to the number now engaged in the trade of the Chesapeake bay, or bringing into the treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce ever profitably enjoyed by three places, upon one of them. This case fur-

nishes an apt illustration of the effect of this bill in several other particulars.

There can not, in fact, be drawn the slightest discrimination between the improving the streams of a state under the power to regulate commerce, and the most extended system of internal improvements on land. The excavating a canal, and paving a road, are equally as much incident to such a claim of power, as the removing obstructions from water-courses; nor can such power be restricted, by any fair course of reasoning, to the mere fact of making the improvement. It reasonably extends, also, to the right of seeking a return of the means expended, through the exaction of tolls and the levying of contributions. Thus, while the constitution denies to this government the privilege of acquiring a property in the soil of any state, even for the purpose of erecting a necessary fortification, without a grant from such state, this claim to power would invest it with control and dominion over the waters and soil of each state, without restriction. Power so incongruous can not exist in the same instrument.

The bill is also liable to serious objection, because of its blending appropriations for numerous objects, but few of which agree in their general features. This necessarily produces the effect of embarrassing executive action. Some of the appropriations would receive my sanction, if separated from the rest, however much I might deplore the reproduction of a system which, for some time past, has been permitted to sleep with, apparently, the acquiescence of the country. I might particularize the Delaware breakwater, as an improvement which looks to the security, from the storms of our extended Atlantic seaboard, of the vessels of all the country engaged either in the foreign or the coastwise trade, as well as to the safety of the revenue; but when, in connexion with that, the same bill embraces improvements of rivers at points far in the interior, connected alone with the trade of such river, and the exertion of mere local influences, no alternative is left me but to use the qualified *veto*, with which the executive is invested by the constitution, and to return the bill to the house in which it originated, for its ultimate reconsideration and decision.

In sanctioning a bill of the same title with that returned, for the improvement of the Mississippi and its chief tributaries, and certain harbors on the lakes—if I bring myself apparently in conflict with any of the principles herein asserted, it will arise on my part exclusively from the want of a just appreciation of localities. The Mississippi occupies a footing altogether different from the river and water courses of the different states. No one state, or any number of states, can exercise any other jurisdiction over it than for the punishment of crimes and the service of civil process It belongs to no particular state or states, but of common right, by express reservation, to all the states. It is reserved as a great common highway for the commerce of the whole country. To have conceded to Louisiana, or to any other state admitted as a new state into the Union, the exclusive jurisdiction, and consequently the right to make improvements and to levy tolls on the segments of the river embraced within its territorial limits, would have disappointed the chief object in the purchase of Louisiana—which was, to secure the free use of the Mississippi to all the people of the United States. Whether levies on commerce were made on foreign or domestic government, would have been equally burdensome and objectionable. The United States, therefore, is charged with its improvement, for the benefit of all; and the appropriation of governmental means to its improvement becomes indispensably necessary for the good of all.

As to the harbors on the lakes, the act originates no new improvements, but makes appropriations for the continuance of works already begun.

It is as much the duty of the government to construct good harbors, without reference to the location or interests of cities, for the shelter of the extensive commerce of the lakes, as to build breakwaters on the Atlantic coast for the protection of the trade of that ocean. These great inland seas are visited by destructive storms; and the annual loss of ships and cargoes, and consequently of revenue to the government, is immense. If, then, there be any work embraced by the act, which is not required in order to afford shelter and security to the shipping against the tempests which so often sweep over those great inland seas, but has, on the contrary, originated more in a spirit of speculation and local interest than in one of the character alluded to, the house of representatives will regard my approval of the bill more as the result of misinformation, than any design to abandon or modify the principles laid down in this message. Every system is liable to run into abuse, and none more so than that under consideration; and measures can not be too soon taken by Congress to guard against this evil.

FOURTH ANNUAL MESSAGE.

DECEMBER 3, 1844.

To the Senate and House of Representatives of the United States:—

WE have continued cause for expressing our gratitude to the Supreme Ruler of the universe, for the benefits and blessings which our country, under his kind providence, has enjoyed during the past year. Notwithstanding the exciting scenes through which we have passed, nothing has occurred to disturb the general peace, or to derange the harmony of our political system. The great moral spectacle has been exhibited, of a nation, approximating in number to twenty millions of people, having performed the high and important function of electing their chief magistrate for the term of four years, without the commission of any acts of violence, or the manifestation of a spirit of insubordination to the laws. The great and inestimable right of suffrage has been exercised by all who were invested with it, under the laws of the different states, in a spirit dictated alone by a desire, in the selection of the agent, to advance the interests of the country, and to place beyond jeopardy the institutions under which it is our happiness to live. That the deepest interest has been manifested by all our countrymen in the result of the election, is not less true than highly creditable to them. Vast multitudes have assembled from time to time, at various places, for the purpose of canvassing the merits and pretensions of those who were presented for their suffrages; but no armed soldiery has been necessary to restrain within proper limits the popular zeal, or to prevent violent outbreaks. A principle much more controlling was found in the love of order and obedience to the laws, which, with were individual exceptions, everywhere possesses the American mind, and controls with an influence far more powerful than hosts of armed men. We can not dwell upon this picture without recognising in it that deep and devoted attachment, on the part of the people, to the institutions

under which we live, which proclaims their perpetuity. The great objection which has always prevailed against the election by the people, of their chief executive officer, has been the apprehension of tumults and disorders, which might involve in ruin the entire government. A security against this is found, not only in the fact before alluded to, but in the additional fact, that we live under a confederacy embracing already twenty-six states, no one of which has power to control the election. The popular vote in each state is taken at the time appointed by the laws, and such vote is announced by the electoral college, without reference tc the decision of other states. The right of suffrage, and the mode of conducting the election, are regulated by the laws of each state; and the election is distinctly federative in all its prominent features. Thus it is, that, unlike what might be the results under a consolidated system, riotous proceedings, should they prevail, could only affect the elections in single states, without disturbing, to any dangerous extent, the tranquillity of others. The great experiment of a political confederation—each member of which is supreme as to all matters appertaining to its local interests and its internal peace and happiness, while, by a voluntary compact with others, it confides to the united power of all, the protection of its citizens in matters not domestic—has been so far crowned with complete success. The world has witnessed its rapid growth in wealth and population; and under the guidance and direction of a superintending Providence, the developments of the past may be regarded but as the shadowing forth of the mighty future. In the bright prospects of that future, we shall find, as patriots and philanthropists, the highest inducements to cultivate and cherish a love of union, and to frown down every measure or effort which may be made to alienate the states, or the people of the states, in sentiment and feeling, from each other. A rigid and close adherence to the terms of our political compact, and above all, a sacred observance of the guarantees of the constitution, will preserve union on a foundation which can not be shaken; while personal liberty is placed beyond hazard or jeopardy. The guarantees of religious freedom—of the freedom of the press—of the liberty of speech—of the trial by jury—of the habeas corpus, and of the domestic institutions of each of the states, leaving the private citizen in the full exercise of the high and ennobling attributes of his nature, and to each state the privilege (which can only be judiciously exerted by itself) of consulting the means best calculated to advance its own happiness—these are the great and important guarantees of the constitution, which the lovers of liberty must cherish, and the advocates of union must ever cultivate. Preserving these, and avoiding all interpolations by forced construction, under the guise of an imagined expediency, upon the constitution, the influence of our political system is destined to be as actively and as beneficially felt on the distant shores of the Pacific, as it is now on those of the Atlantic ocean. The only formidable impediments in the way of its successful expansion (time and space) are so far in the progress of modification, by the improvements of the age, as to render no longer speculative the ability of representatives from that remote region to come up to the capitol, so that their constituents shall participate in all the benefits of federal legislation. Thus it is that, in the progress of time, the inestimable principles of civil liberty will be enjoyed by millions yet unborn, and the great benefits of our system of government be extended to now distant and uninhabited regions. In view of the vast wilderness yet to be reclaimed, we may well invite the lover of

freedom of every land to take up his abode among us, and assist us in the great work of advancing the standard of civilization, and giving a wider spread to the arts and refinements of cultivated life. Our prayers should evermore be offered up to the Father of the universe, for his wisdom to direct us in the path of our duty, so as to enable us to consummate these high purposes.

One of the strongest objections which have been urged against confederacies, by writers on government, is the liability of the members to be tampered with by foreign governments, or the people of foreign states, either in their local affairs, or in such as affected the peace of others, or endangered the safety of the whole confederacy. We can not hope to be entirely exempt from such attempts on our peace and safety. The United States are becoming too important in population and resources, not to attract the observation of other nations. It therefore may, in the progress of time, occur, that opinions entirely abstract in the states in which they may prevail, and in no degree affecting their domestic institutions, may be artfully, but secretly encouraged, with a view to undermine the Union. Such opinions may become the foundation of political parties, until, at last, the conflict of opinion, producing an alienation of friendly feeling among the people of the different states, may involve in one general destruction the happy institutions under which we live. It should ever be borne in mind, that what is true in regard to individuals, is equally so in regard to states. An interference of one in the affairs of another, is the fruitful source of family dissensions and neighborhood disputes; and the same cause affects the peace, happiness, and prosperity of states. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts, should they ever be made.

There has been no material change in our foreign relations since my last annual message to Congress. With all the powers of Europe we continue on the most friendly terms. Indeed, it affords me much satisfaction to state, that at no former period has the peace of that enlightened and important quarter of the globe ever been, apparently, more firmly established. The conviction that peace is the true policy of nations, would seem to be growing and becoming deeper among the enlightened everywhere; and there is no people who have a stronger interest in cherishing the sentiment, and adopting the means of preserving and giving it permanence, than those of the United States. Among these, the first and most effective are, no doubt, the strict observance of justice, and the honest and punctual fulfilment of all engagements. But it is not to be forgotten that, in the present state of the world, it is no less necessary to be ready to enforce their observance and fulfilment in reference to ourselves, than to observe and fulfil them, on our part, in regard to others.

Since the close of your last session, a negotiation has been formally entered upon between the secretary of state and her Britannic majesty's minister plenipotentiary and envoy extraordinary residin at Washington, relative to the rights of their respective nations in and over the Oregon territory. That negotiation is still pending. Should it, during your session, be brought to a definitive conclusion, the result will be promptly communicated to Congress. I would, however, again call your attention to the recommendations contained in previous messages, designed to protect and facilitate emigration to that territory. The establishment of military posts, at suitable points upon the extended line of land travel,

would enable our citizens to emigrate in comparative safety to the fertile regions below the falls of the Columbia, and make the provision of the existing convention for the joint occupation of the territory by the subjects of Great Britain and the citizens of the United States more available than heretofore to the latter. These posts would constitute places of rest for the weary emigrant, where he would be sheltered securely against the danger of attack from the Indians, and be enabled to recover from the exhaustion of a long line of travel Legislative enactments should also be made, which should spread over him the ægis of our laws, so as to afford protection to his person and property when he shall have reached his distant home. In this latter respect, the British government has been much more careful of the interests of such of her people as are to be found in that country, than have the United States. She has made necessary provision for their security and protection against the acts of the viciously-disposed and lawless, and her emigrant reposes in safety under the panoply of her laws. Whatever may be the result of the pending negotiation, such measures are necessary. It will afford me the greatest pleasure to witness a happy and favorable termination to the existing negotiation upon terms compatible with the public honor; and the best efforts of the government will continue to be directed to this end.

It would have given me the highest gratification, in this, my last annual communication to Congress, to have been able to announce to you the complete and entire settlement and adjustment of other matters in difference between the United States and the government of her Britannic majesty, which were adverted to in a previous message. It is so obviously the interest of both countries, in respect to the large and valuable commerce which exists between them, that all causes of complaint, however inconsiderable, should be with the greatest promptitude removed, that it must be regarded as cause of regret that any unnecessary delays should be permitted to intervene. It is true that, in a pecuniary point of view, the matters alluded to are altogether insignificant in amount, when compared with the ample resources of that great nation; but they nevertheless—more particularly that limited class which arise under seizures and detentions of American ships on the coast of Africa, upon the mistaken supposition indulged in at the time the wrong was committed, of their being engaged in the slave-trade—deeply affect the sensibilities of this government and people. Great Britain having recognised her responsibility to repair all such wrongs, by her action in other cases, leaves nothing to be regretted upon the subject, as to all cases arising prior to the treaty of Washington, than the delay in making suitable reparation in such of them as fall plainly within the principle of others, which she has long since adjusted. The injury inflicted by delays in the settlement of these claims, falls with severity upon the individual claimants, and makes a strong appeal to her magnanimity and sense of justice for a speedy settlement. Other matters, arising out of the construction of existing treaties, also remain unadjusted, and will continue to be urged upon her attention.

The labors of the joint commission appointed by the two governments to run the dividing-line established by the treaty of Washington, were, unfortunately, much delayed in the commencement of the season, by the failure of Congress, at its last session, to make a timely appropriation of funds to meet the expenses of the American party, and by other causes. The United States commissioner, however, expresses his expectation

that, by increased diligence and energy, the party will be able to make up for lost time.

We continue to receive assurances of the most friendly feelings on the part of all the other European powers; with each, and all of whom, it is so obviously our interest to cultivate the most amicable relations. Nor can I anticipate the occurrence of any event which would be likely, in any degree, to disturb those relations. Russia, the great northern power, under the judicious sway of her emperor, is constantly advancing in the road of science and improvement; while France, guided by the counsels of her wise sovereign, pursues a course calculated to consolidate the general peace. Spain has obtained a breathing spell of some duration from the internal convulsions which have, through so many years, marred her prosperity; while Austria, the Netherlands, Prussia, Belgium, and the other powers of Europe, reap a rich harvest of blessings from the prevailing peace.

I informed the two houses of Congress, in my message of December last, that instructions had been given to Mr. Wheaton, our minister at Berlin, to negotiate a treaty with the Germanic states composing the Zoll-Verein, if it could be done—stipulating, as far as it was practicable to accomplish it, for a reduction of the heavy and onerous duties levied on our tobacco, and other leading articles of agricultural production; and yielding, in return, on our part, a reduction of duties on such articles, the product of their industry, as should not come into competition, or but a limited one, with articles the product of our manufacturing industry. The executive, in giving such instructions, considered itself as acting in strict conformity with the wishes of Congress, as made known through several measures which it had adopted; all directed to the accomplishment of this important result. The treaty was, therefore, negotiated; by which essential reductions were secured in the duties levied by the Zoll-Verein on tobacco, rice, and lard, accompanied by a stipulation for the admission of raw cotton free of duty. In exchange for which highly important concessions, a reduction of duties, imposed by the laws of the United States on a variety of articles, most of which were admitted free of all duty under the act of Congress commonly known as the compromise law, and but few of which were produced in the United States, was stipulated for on our part. This treaty was communicated to the senate at an early day of its last session, but not acted upon until near its close; when, for the want (as I am bound to presume) of full time to consider it, it was laid upon the table. This procedure had the effect of virtually rejecting it, in consequence of a stipulation contained in the treaty, that its ratifications should be exchanged on or before a day which has already passed. The executive, acting upon the fair inference that the senate did not intend its absolute rejection, gave instructions to our minister at Berlin to reopen the negotiation, so far as to obtain an extension of time for the exchange of ratifications. I regret, however, to say that his efforts in this respect have been unsuccessful. I am nevertheless not without hope that the great advantages which were intended to be secured by the treaty may yet be realized.

I am happy to inform you that Belgium has, by an "*arrêté royale*," issued in July last, assimilated the flag of the United States to her own, so far as the direct trade between the two countries is concerned. This measure will prove of great service to our shipping interest, the trade having heretofore been carried on chiefly in foreign bottoms. I flatter

myself that she will speedily resort to a modification of her system relating to the tobacco-trade, which would decidedly benefit the agriculture of the United States, and operate to the mutual advantage of both countries.

No definitive intelligence has yet been received from our minister, of the conclusion of a treaty with the Chinese empire; but enough is known to induce the strongest hopes that the mission will be crowned with success.

With Brazil our relations continue on the most friendly footing. The commercial intercourse between that growing empire and the United States is becoming daily of greater importance to both; and it is to the interest of both that the firmest relations of amity and goodwill should continue to be cultivated between them.

The republic of New Grenada still withholds (notwithstanding the most persevering efforts have been employed by our chargé d'affaires, Mr. Blackford, to produce a different result) indemnity in the case of the brig "Morris." And the Congress of Venezuela, although an arrangement has been effected between our minister and the minister of foreign affairs of that government, for the payment of eighteen thousand dollars in discharge of its liabilities in the same case, has altogether neglected to make provision for its payment. It is to be hoped that a sense of justice will soon induce a settlement of these claims.

Our late minister to Chili, Mr. Pendleton, has returned to the United States, without having effected an adjustment in the second claim of the Macedonian, which is delayed on grounds altogether frivolous and untenable. Mr. Pendleton's successor has been directed to urge the claim in the strongest terms; and, in the event of a failure to obtain a prompt adjustment, to report the fact to the executive at as early a day as possible, so that the whole matter may be communicated to Congress.

At your last session, I submitted to the attention of Congress the convention with the republic of Peru, of the 17th of March, 1841, providing for the adjustment of the claims of citizens of the United States against that republic; but no definitive action was taken upon the subject. I again invite to it your attention and prompt action.

In my last annual message, I felt it to be my duty to make known to Congress, in terms both plain and emphatic, my opinion in regard to the war which has so long existed between Mexico and Texas; which, since the battle of San Jacinto, has consisted altogether of predatory incursions, attended by circumstances revolting to humanity. I repeat now, what I then said—that after eight years of feeble and ineffectual efforts to reconquer Texas, it was time that the war should have ceased. The United States had a direct interest in the question. The contiguity of the two nations to our territory was but too well calculated to involve our peace. Unjust suspicions were engendered in the mind of one or the other of the belligerents against us; and, as a necessary consequence, American interests were made to suffer, and our peace became daily endangered. In addition to which, it must have been obvious to all that the exhaustion produced by the war subjected both Mexico and Texas to the interference of other powers; which, without the interposition of this government, might eventuate in the most serious injury to the United States. This government, from time to time, exerted its friendly offices to bring about a termination of hostilities upon terms honorable alike to both the belligerents. Its efforts in this behalf proved unavailing. Mexico seemed,

almost without an object, to persevere in the war; and no other alternative was left the executive but to take advantage of the well-known dispositions of Texas, and to invite her to enter into a treaty for annexing her territory to that of the United States.

Since your last session Mexico has threatened to renew the war, and has either made, or proposes to make, formidable preparations for invading Texas. She has issued decrees and proclamations, preparatory to the commencement of hostilities, full of threats, revolting to humanity, and which, if carried into effect, would arouse the attention of all Christendom. This new demonstration of feeling, there is too much reason to believe, has been produced in consequence of the negotiation of the late treaty of annexation with Texas. The executive, therefore, could not be indifferent to such proceedings; and it felt it to be due, as well to itself as to the honor of the country, that a strong representation should be made to the Mexican government upon the subject. This was accordingly done, as will be seen by the copy of the accompanying despatch from the secretary of state of the United States envoy at Mexico. Mexico has no right to jeopard the peace of the world, by urging any longer a useless and fruitless contest. Such a condition of things would not be tolerated on the European continent. Why should it be on this? A war of desolation, such as is now threatened by Mexico, can not be waged without involving our peace and tranquillity. It is idle to believe that such a war could be looked upon with indifference by our own citizens inhabiting adjoining states; and our neutrality would be violated, in despite of all efforts on the part of the government to prevent it. The country is settled by emigrants from the United States, under invitations held out to them by Spain and Mexico. Those emigrants have left behind them friends and relatives, who would not fail to sympathize with them in their difficulties, and who would be led by those sympathies to participate in their struggles, however energetic the action of the government to prevent it. Nor would the numerous and formidable bands of Indians—the most warlike to be found in any land—which occupy the extensive regions contiguous to the states of Arkansas and Missouri, and who are in possession of large tracts of country within the limits of Texas, be likely to remain passive. The inclinations of those numerous tribes lead them invariably to war whenever pretexts exist.

Mexico has no just ground of displeasure against this government or people, for negotiating the treaty. What interest of hers was affected by the treaty? She was despoiled of nothing, since Texas was for ever lost to her. The independence of Texas was recognised by several of the leading powers of the earth. She was free to treat; free to adopt her own line of policy; free to take the course which she believed was best calculated to secure her happiness. Her government and people decided on annexation to the United States; and the executive saw, in the acquisition of such a territory, the means of advancing their permanent happiness and glory. What principle of good faith, then, was violated? what rule of political morals trampled under foot? So far as Mexico herself was concerned, the measure should have been regarded by her as highly beneficial. Her inability to reconquer Texas had been exhibited, I repeat, by the eight (now nine) years of fruitless and ruinous contest. In the meantime, Texas has been growing in population and resources. Emigration has flowed into her territory from all parts of the world, in a current which continues to increase in strength. Mexico requires a per-

manent boundary between that young republic and herself. Texas, at no distant day, if she continues separate and detached from the United States, will inevitably seek to consolidate her strength by adding to her domain the contiguous provinces of Mexico. The spirit of revolt from the control of the central government, has, heretofore, manifested itself in some of those provinces; and it is fair to infer that they would be inclined to take the first favorable opportunity to proclaim their independence, and to form close alliances with Texas. The war would thus be endless; or, if cessations of hostilities should occur, they would only endure for a season. The interests of Mexico, therefore, could in nothing be better consulted than in a peace with her neighbors, which would result in the establishment of a permanent boundary. Upon the ratification of the treaty, the executive was prepared to treat with her on the most liberal basis. Hence the boundaries of Texas were left undefined by the treaty. The executive proposed to settle these upon terms that all the world should have pronounced just and reasonable. No negotiation upon that point could have been undertaken between the United States and Mexico, in advance of the ratification of the treaty. We should have had no right, no power, no authority, to have conducted such a negotiation; and to have undertaken it, would have been an assumption equally revolting to the pride of Mexico and Texas, and subjecting us to the charge of arrogance: while to have proposed, in advance of annexation, to satisfy Mexico for any contingent interest she might have in Texas, would have been to have treated Texas, not as an independent power, but as a mere dependency of Mexico. This assumption could not have been acted on by the executive, without setting at defiance your own solemn declaration that that republic was an independent state. Mexico had, it is true, threatened war against the United States, in the event the treaty of annexation was ratified. The executive could not permit itself to be influenced by this threat. It represented, in this, the spirit of our people, who are ready to sacrifice much for peace, but nothing to intimidation. A war, under any circumstances, is greatly to be deplored, and the United States is the last nation to desire it; but if, as the condition of peace, it be required of us to forego the unquestionable right of treating with an independent power of our own continent, upon matters highly interesting to both, and that upon a naked and unsustained pretension of claim by a third power, to control the free-will of the power with whom we treat—devoted as we may be to peace, and anxious to cultivate friendly relations with the whole world, the executive does not hesitate to say that the people of the United States would be ready to brave all consequences, sooner than submit to such condition. But no apprehension of war was entertained by the executive; and I must express frankly the opinion, that, had the treaty been ratified by the senate, it would have been followed by a prompt settlement, to the entire satisfaction of Mexico, of every matter in difference between the two countries. Seeing, then, that new preparations for hostile invasion of Texas, were about to be adopted by Mexico, and that these were brought about because Texas had adopted the suggestions of the executive upon the subject of annexation, it could not passively have folded its arms and permitted a war, threatened to be accompanied by every act that could mark a barbarous age, to be waged against her, because she had done so.

Other considerations of a controlling character influenced the course of the executive. The treaty which had thus been negotiated, had failed to

receive the ratification of the senate. One of the chief objections which were urged against it, was found to consist in the fact, that the question of annexation had not been submitted to the ordeal of public opinion in the United States. However untenable such an objection was esteemed to be, in view of the unquestionable power of the executive to negotiate the treaty, and the great and lasting interests involved in the question, I felt it to be my duty to submit the whole subject to Congress, as the best expounders of popular sentiment. No definitive action having been taken on the subject by Congress, the question referred itself directly to the decision of the states and the people. The great popular election which has just terminated, afforded the best opportunity of ascertaining the will of the states and the people upon it. Pending that issue, it became the imperative duty of the executive to inform Mexico that the question of annexation was still before the American people, and that, until their decision was pronounced, any serious invasion of Texas would be regarded as an attempt to forestall their judgment, and could not be looked upon with indifference. I am most happy to inform you, that no such invasion has taken place; and I trust that, whatever your action may be upon it, Mexico will see the importance of deciding the matter by a resort to peaceful expedients, in preference to those of arms. The decision of the people and the states, on this great and interesting subject, has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself, all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided. These were left to the wisdom of the future to determine. It presented, I repeat, the isolated question of annexation; and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people, and a large majority of the states, have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the states that Texas shall be annexed to the Union promptly and immediately. It may be hoped that, in carrying into execution the public will, thus declared, all collateral issues may be avoided. Future legislatures can best decide as to the number of states which should be formed out of the territory, when the time has arrived for deciding that question. So with all others. By the treaty, the United States assumed the payment of the debts of Texas, to an amount not exceeding ten millions of dollars, to be paid (with the exception of a sum falling short of four hundred thousand dollars) exclusively out of the proceeds of the sales of her public lands. We could not, with honor, take the lands, without assuming the full payment of all incumbrances upon them.

Nothing has occurred, since your last session, to induce a doubt that the dispositions of Texas remain unaltered. No intimation of an altered determination, on the part of her government and people, has been furnished to the executive. She still desires to throw herself under the protection of our laws, and to partake of the blessings of our federative system; while every American interest would seem to require it. The extension of our coastwise and foreign trade, to an amount almost incalculable—the enlargement of the market for our manufactures—a constantly-growing market for our agricultural productions—safety to our frontiers, and additional strength and stability to the Union—these are the results which would rapidly develop themselves upon the consummation

of the measure of annexation. In such event, I will not doubt but that Mexico would find her true interest to consist in meeting the advances of this government in a spirit of amity.

Nor do I apprehend any serious complaint from any other quarter; no sufficient ground exists for such complaint. We should interfere in no respect with the rights of any other nation. There can not be gathered from the act any design, on our part, to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory (large and extensive as many of them are) as the leading powers of Europe have made, from time to time, in every part of the world. We seek no conquest made by war. No intrigue will have been resorted to, or acts of diplomacy essayed, to accomplish the annexation of Texas. Free and independent herself, she asks to be received into our Union. It is a question for our own decision, whether she shall be received or not.

The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted, in like manner, by the government of Texas.

In order that the subject may be fully presented in all its bearings, the correspondence which has taken place in reference to it, since the adjournment of Congress, between the United States, Texas, and Mexico, is herewith transmitted.

The amendments proposed by the senate to the convention concluded between the United States and Mexico on the 20th of November, 1843, have been transmitted, through our minister, for the concurrence of the Mexican government; but, although urged thereto, no action has yet been had on the subject; nor has any answer been given which would authorize a favorable conclusion in the future.

The decree of September, 1843, in relation to the retail trade, the order for the expulsion of foreigners, and that of a more recent date in regard to passports—all of which are considered as in violation of the treaty of amity and commerce between the two countries—have led to a correspondence of considerable length between the minister for foreign relations and our representative at Mexico, but without any satisfactory result. They remain still unadjusted; and many and serious inconveniences have already resulted to our citizens in consequence of them.

Questions growing out of the act of disarming a body of Texan troops, under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our government, and the forcible entry into the customhouse at Bryarly's landing, on Red river, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs, as forfeited under the laws of Texas, have been adjusted, so far as the powers of the executive extend. The correspondence between the two governments, in reference to both subjects, will be found among the accompanying documents. It contains a full statement of all the facts and circumstances, with the views taken on both sides, and the principles on which the questions have been adjusted. It remains for Congress to make the necessary appropriation to carry the arrangement into effect, which I respectfully recommend.

The greatly improved condition of the treasury affords a subject for general congratulation. The paralysis which had fallen on trade and

commerce, and which subjected the government to the necessity of resorting to loans, and the issue of treasury-notes to a large amount, has passed away; and after the payment of upward of seven millions of dollars on account of the interest, and in redemption of more than five millions of dollars of the public debt, which falls due on the 1st of January next, and setting apart upward of two millions of dollars for the payment of outstanding treasury-notes, and meeting an instalment of the debts of the corporate cities of the District of Columbia, an estimated surplus of upward of seven millions of dollars, over and above the existing appropriations, will remain in the treasury at the close of the fiscal year. Should the treasury-notes continue outstanding, as heretofore, that surplus will be considerably augmented. Although all interest has ceased upon them, and the government has invited their return to the treasury, yet they remain outstanding; affording great facilities to commerce, and establishing the fact, that, under a well-regulated system of finance, the government has resources within itself which render it independent, in time of need, not only of private loans, but also of bank facilities.

The only remaining subject of regret is, that the remaining stocks of the government do not fall due at an earlier day; since their redemption would be entirely within its control. As it is, it may be well worthy the consideration of Congress, whether the law establishing the sinking fund (under the operation of which the debts of the revolution and the last war with Great Britain were, to a great extent extinguished) should not, with proper modifications, so as to prevent an accumulation of surpluses, and limited in amount to a specific sum, be re-enacted. Such provision, which would authorize the government to go into the market for a purchase of its own stock on fair terms, would serve to maintain its credit at the highest point, and prevent, to a great extent, those fluctuations in the price of its securities, which might, under circumstances, affect its credit. No apprehension of this sort is, at this moment, entertained; since the stocks of the government which, but two years ago, were offered for sale to capitalists at home and abroad, at a depreciation, and could find no purchasers, are now greatly above par in the hands of the holders; but a wise and prudent forecast admonishes us to place beyond the reach of contingency the public credit.

It must also be a matter of unmingled gratification, that, under the existing financial system (resting upon the act of 1789, and the resolution of 1816), the currency of the country has attained a state of perfect soundness; and the rates of exchange between different parts of the Union, which, in 1841, denoted, by their enormous amount, the great depreciation, and, in fact, worthlessness of the currency in most of the states, are now reduced to little more than the mere expense of transporting specie from place to place, and the risk incidental to the operation. In a new country like that of the United States, where so many inducements are held out for speculation, the depositories of the surplus revenue, consisting of banks of any description, when it reaches any considerable amount, require the closest vigilance on the part of the government. All banking institutions, under whatever denomination they may pass, are governed by an almost exclusive regard to the interest of the stockholders. That interest consists in the augmentation of profits in the form of dividends; and a large surplus revenue intrusted to their custody, is but too apt to lead to excessive loans, and to extravagantly large issues of paper. As a necessary consequence, prices are nominally increased, and the speculative

mania very soon seizes upon the public mind. A fictitious state of prosperity for a season exists, and, in the language of the day, money becomes plenty. Contracts are entered into by individuals, resting on this unsubstantial state of things; but the delusion speedily passes away, and the country is overrun with an indebtedness so weighty as to overwhelm many, and to visit every department of industry with great and ruinous embarrassment. The greatest vigilance becomes necessary on the part of the government to guard against this state of things. The depositories must be given distinctly to understand that the favors of the government will be altogether withdrawn, or substantially diminished, if its revenues shall be regarded as additions to their banking capital, or as the foundations of an enlarged circulation. The government, through its revenue, has at all times an important part to perform in connexion with the currency; and it greatly depends upon its vigilance and care whether the country be involved in embarrassments similar to those which it has had recently to encounter, or, aided by the action of the treasury, shall be preserved in a sound and healthy condition.

The dangers to be guarded against are greatly augmented by too large a surplus of revenue. When that surplus greatly exceeds in amount what shall be acquired by a wise and prudent forecast to meet unforeseen contingencies, the legislature itself may come to be seized with a disposition to indulge in extravagant appropriations to objects, many of which may, and most probably would, be found to conflict with the constitution. A fancied expediency is elevated above constitutional authority; and a reckless and wasteful extravagance but too certainly follow. This important power of taxation, which, when exercised in its most restricted form, is a burden on labor and production, is resorted to, under various pretexts, for purposes having no affinity to the motives which dictated its grant; and the extravagance of government stimulates individual extravagance, until the spirit of a wild and ill-regulated speculation involves one and all in its unfortunate results. In view of such fatal consequences, it may be laid down as an axiom, founded in moral and political truth—that no greater taxes should be imposed than are necessary for an economical administration of the government; and that whatever exists beyond, should be reduced or modified. This doctrine does in no way conflict with the exercise of a sound discrimination in the selection of the articles to be taxed, which a due regard to the public weal would at all times suggest to the legislative mind. It leaves the range of selection undefined; and such selection should always be made with an eye to the great interests of the country. Composed, as is the Union, of separate and independent states, a patriotic legislature will not fail, in consulting the interests of the parts, to adopt such course as will be best calculated to advance the harmony of the whole; and thus insure that permanency in the policy of the government, without which all efforts to advance the public prosperity are vain and fruitless. This great and vitally important task rests with Congress; and the executive can do no more than recommend the general principles which should govern in its execution.

I refer you to the report of the secretary of war for an exhibition of the condition of the army; and recommend to you, as well worthy your best consideration, many of the suggestions it contains. The secretary in no degree exaggerates the great importance of pressing forward, without delay, in the work of erecting and finishing the fortifications, to which he particularly alludes. Much has been done toward placing our cities and

roadsteads in a state of security against the hazards of hostile attack, within the last four years; but, considering the new elements which have been of late years employed in the propelling of ships, and the formidable implements of destruction which have been brought into service, we can not be too active or vigilant in preparing and perfecting the means of defence. I refer you, also, to his report, for a full statement of the condition of the Indian tribes within our jurisdiction. The executive has abated no effort in carrying into effect the well-established policy of the government, which contemplates a removal of all the tribes residing within the limits of the several states, beyond those limits; and it is now enabled to congratulate the country at the prospect of an early consummation of this object. Many of the tribes have already made great progress in the arts of civilized life; and, through the operation of the schools established among them, aided by the efforts of the pious men of various religious denominations who devote themselves to the task of their improvement, we may fondly hope that the remains of the formidable tribes, which were once masters of this country, will, in their transition from the savage state to a condition of refinement and cultivation, add another bright trophy to adorn the labors of a well-directed philanthropy.

The accompanying report of the secretary of the navy will explain to you the situation of that branch of the service. The present organization of the department imparts to its operations great efficiency; but I concur fully in the propriety of a division of the bureau of construction, equipment, increase, and repairs, into two bureaus. The subjects, as now arranged, are incongruous, and require, to a certain extent, information and qualifications altogether dissimilar.

The operations of the squadron on the coast of Africa have been conducted with all due attention to the object which led to its organization; and I am happy to say that the officers and crews have enjoyed the best possible health, under the system adopted by the officer in command. It is believed that the United States is the only nation which has by its laws subjected to the punishment of death, as pirates, those who may be engaged in the slave-trade. A similar enactment on the part of other nations would not fail to be attended by beneficial results.

In consequence of the difficulties which have existed in the way of securing titles for the necessary grounds, operations have not yet been commenced toward the establishment of the navy-yard at Memphis. So soon as the title is perfected, no further delay will be permitted to intervene. It is well worthy of your consideration, whether Congress should not direct the establishment of a ropewalk, in connexion with the contemplated navy-yard, as a measure, not only of economy, but as highly useful and necessary. The only establishment of the sort now connected with the service is located at Boston; and the advantages of a similar establishment, convenient to the hemp-growing region, must be apparent to all.

The report of the secretary presents other matters to your consideration, of an important character in connexion with the service.

In referring you to the accompanying report of the postmaster-general, it affords me continued cause of gratification to be able to advert to the fact, that the affairs of the department, for the last four years, have been so conducted as, from its unaided resources, to meet its large expenditures. On my coming into office, a debt of nearly five hundred thousand dollars existed against the department, which Congress discharged by an

appropriation from the treasury. The department, on the 4th of March next, will be found, under the management of its present efficient head, free of debt or embarrassment; which could only have been done by the observance and practice of the greatest vigilance and economy. The laws have contemplated, throughout, that the department should be self-sustaining; but it may become necessary, with the wisest regard to the public interests, to introduce amendments and alterations in the system. There is a strong desire manifested in many quarters, so to alter the tariff of letter-postage as to reduce the amount of tax at present imposed. Should such a measure be carried into effect, to the full extent desired, it can not well be doubted but that, for the first years of its operation, a diminished revenue would be collected, the supply of which would necessarily constitute a charge upon the treasury. Whether such a result would be desirable, it will be for Congress, in its wisdom, to determine. It may, in general, be asserted as true, that radical alterations in any system should rather be brought about gradually, than by sudden changes; and, by pursuing this prudent policy in the reduction of letter-postage, the department might still sustain itself through the revenue which would accrue by the increase of letters. The state and condition of the public treasury have heretofore been such as to have precluded the recommendation of any material change. The difficulties upon this head have, however, ceased; and a larger discretion is now left to the government.

I can not too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports, and upon our own waters, for the transportation of the mail. The example of the British government is well worthy of imitation in this respect. The belief is strongly entertained, that the emoluments arising from the transportation of mail-matter to foreign countries would operate of itself, as an inducement to cause individual enterprise to undertake that branch of the task; and the remuneration of the government would consist in the addition readily made to our steam-navy in case of emergency, by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the navy will not escape your observation. The application of steam to the purposes of naval warfare cogently recommends an extensive steam-marine as important in estimating the defences of the country. Fortunately, this may be obtained by us, to a great extent, without incurring any large amount of expenditure. Steam-vessels to be engaged in the transportation of the mails on our principal watercourses, lakes, and parts of our coast, could also be so constructed as to be efficient as war-vessels when needed; and would, of themselves, constitute a formidable force in order to repel attacks from abroad. We can not be blind to the fact that other nations have already added large numbers of steamships to their naval armaments, and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy; and the plan suggested will enable them to do so at a small comparative cost.

I take the greatest pleasure in bearing testimony to the zeal and untiring industry which have characterized the conduct of the members of the executive cabinet. Each, in his appropriate sphere, has rendered me the most efficient aid in carrying on the government; and it will not, I

trust, appear out of place for me to bear this public testimony. The cardinal objects which should ever be held in view by those intrusted with the administration of public affairs, are rigidly, and without favor or affection, so to interpret the national will, expressed in the laws, as that injustice should be done to none—justice to all. This has been the rule upon which they have acted; and thus it is believed that few cases (if any) exist, wherein our fellow-citizens, who from time to time have been drawn to the seat of government for the settlement of their transactions with the government, have gone away dissatisfied. Where the testimony has been perfected, and was esteemed satisfactory, their claims have been promptly audited; and this in the absence of all favoritism or partiality. The government which is not just to its own people, can neither claim their affection nor the respect of the world. At the same time, the closest attention has been paid to those matters which relate more immediately to the great concerns of the country. Order and efficiency in each branch of the public service have prevailed, accompanied by a system of the most rigid responsibility on the part of the receiving and disbursing agents. The fact, in illustration of the truth of this remark, deserves to be noticed, that the revenues of the government, amounting in the last four years to upward of one hundred and twenty millions of dollars, have been collected and disbursed, through the numerous governmental agents, without the loss, by default, of any amount worthy of serious commentary.

The appropriations made by Congress for the improvement of the rivers of the west, and of the harbors on the lakes, are in a course of judicious expenditure under suitable agents; and are destined, it is to be hoped, to realize all the benefits designed to be accomplished by Congress. I can not, however, sufficiently impress upon Congress the great importance of withholding appropriations from improvements which are not ascertained, by previous examination and survey, to be necessary for the shelter and protection of trade from the dangers of storms and tempests. Without this precaution, the expenditures are but too apt to enure to the benefit of individuals, without reference to the only consideration which can render them constitutional—the public interests and the general good.

I can not too earnestly urge upon you the interests of this district, over which, by the constitution, Congress has exclusive jurisdiction. It would be deeply to be regretted should there be, at any time, ground to complain of neglect on the part of a community which, detached as it is from the parental care of the states of Virginia and Maryland, can only expect aid from Congress, as its local legislature. Among the subjects which claim your attention, is the prompt organization of an asylum for the insane who may be found, from time to time, sojourning within the district. Such course is also demanded by considerations which apply to branches of the public service. For the necessities in this behalf, I invite your particular attention to the report of the secretary of the navy.

I have thus, gentlemen of the two houses of Congress, presented you a true and faithful picture of the condition of public affairs, both foreign and domestic. The wants of the public service are made known to you; and matters of no ordinary importance are urged upon your consideration. Shall I not be permitted to congratulate you on the happy auspices under which you have assembled, and at the important change in the condition of things which has occurred in the last three years? During that period, questions with foreign powers, of vital importance to the peace of our

country, have been settled and adjusted. A desolating and wasting war with savage tribes has been brought to a close. The internal tranquillity of the country, threatened by agitating questions, has been preserved. The credit of the government, which had experienced a temporary embarrassment, has been thoroughly restored. Its coffers, which, for a season, were empty, have been replenished. A currency, nearly uniform in its value, has taken the place of one depreciated and almost worthless. Commerce and manufactures, which had suffered in common with every other interest, have once more revived; and the whole country exhibits an aspect of prosperity and happiness. Trade and barter, no longer governed by a wild and speculative mania, rest upon a solid and substantial footing; and the rapid growth of our cities, in every direction, bespeaks most strongly the favorable circumstances by which we are surrounded. My happiness, in the retirement which shortly awaits me, is the ardent hope which I experience, that this state of prosperity is neither deceptive nor destined to be short-lived; and that measures which have not yet received its sanction, but which I can not but regard as closely connected with the honor, the glory, and still more enlarged prosperity of the country, are destined, at an early day, to receive the approval of Congress. Under these circumstances, and with these anticipations, I shall most gladly leave to others, more able than myself, the noble and pleasing task of sustaining the public prosperity. I shall carry with me into retirement the gratifying reflection, that, as my sole object throughout has been to advance the public good, I may not entirely have failed in accomplishing it; and this gratification is heightened in no small degree by the fact, that when, under a deep and abiding sense of duty, I have found myself constrained to resort to the qualified veto, it has neither been followed by disapproval on the part of the people, nor weakened in any degree their attachment to that great conservative feature of our government.

SPECIAL MESSAGE.

DECEMBER 10, 1844

To the Senate and House of Representatives of the United States:—

I COMMUNICATE to you an extract of a despatch from Mr. Hall to the secretary of state, which has been received by me since my message of the 3d instant, containing the pleasing information that the indemnity assumed to be paid by the republic of Venezuela, in the case of the brig Morris, has been satisfactorily arranged.

SPECIAL MESSAGE.

DECEMBER 18, 1844.

To the Senate and House of Representatives of the United States:—

I TRANSMIT, herewith, copies of despatches received from our minister at Mexico, since the commencement of your present session, which claim, from their importance, and I doubt not will receive, your calm and delib-

erate consideration. The extraordinary and highly offensive language which the Mexican government has thought proper to employ in reply to the remonstrance of the executive, through Mr. Shannon, against the renewal of the war with Texas while the question of annexation was pending before Congress and the people, and also the proposed manner of conducting that war, will not fail to arrest your attention. Such remonstrance urged in no unfriendly spirit to Mexico, was called for by considerations of an imperative character, having relation as well to the peace of this country and the honor of this government, as to the cause of humanity and civilization. Texas had entered into the treaty of annexation upon the invitation of the executive; and when for that act she was threatened with a renewal of the war on the part of Mexico, she naturally looked to this government to interpose its efforts to ward off the threatened blow. But one course was left the executive, acting within the limits of its constitutional competency—and that was, to protest in respectful, but, at the same time, strong and decided terms, against it. The war thus threatened to be renewed, was promulgated by edicts and decrees, which ordered on the part of the Mexican military the desolation of whole tracts of country, and the destruction, without discrimination, of all ages, sexes, and conditions of existence. Over the manner of conducting war, Mexico possesses no exclusive control. She has no right to violate, at pleasure, the principles which an enlightened civilization has laid down for the conduct of nations at war, and thereby retrograde to a period of barbarism, which, happily for the world, has long since passed away. All nations are interested in enforcing an observance of those principles; and the United States, the oldest of the American republics, and the nearest of the civilized powers to the theatre on which these enormities were proposed to be enacted, could not quietly content themselves to witness such a state of things. They had, through the executive, on another occasion, and, as was believed, with the approbation of the whole country, remonstrated against outrages similar, but even less inhuman than those which, by her new edicts and decrees, she has threatened to perpetrate, and of which the late inhuman massacre at Tabasco was but the precursor.

The bloody and inhuman murder of Fannin and his companions, equalled only in savage barbarity by the usages of the untutored Indian tribes, proved how little confidence could be placed on the most solemn stipulations of her generals; while the fate of others who became her captives in war—many of whom, no longer able to sustain the fatigues and privations of long journeys, were shot down by the wayside, while their companions who survived were subjected to sufferings even more painful than death—had left an indelible stain on the page of civilization. The executive, with the evidence of an intention on the part of Mexico to renew scenes so revolting to humanity, could do no less than renew remonstrances formerly urged. For fulfilling duties so imperative, Mexico has thought proper, through her accredited organs, because she has had represented to her the inhumanity of such proceedings, to indulge in language unknown to the courtesy of diplomatic intercourse, and offensive in the highest degree to this government and people. Nor has she offended in this only. She has not only violated existing conventions between the two countries, by arbitrary and unjust decrees against our trade and intercourse, but withholds instalments of debt due to our citizens, which she solemnly pledged herself to pay, under circumstances which are fully explained by the accompanying letter from Mr. Green, our secretary of

legation. And when our minister has invited the attention of her government to wrongs committed by her local authorities, not only on the property, but on the persons of our fellow-citizens engaged in prosecuting fair and honest pursuits, she has added insult to injury, by not even deigning, for months together, to return an answer to his representations. Still further to manifest her unfriendly feelings toward the United States, she has issued decrees expelling from some of her provinces American citizens engaged in the peaceful pursuits of life; and now denies to those of our citizens prosecuting the whale-fishery on the northwest coast of the Pacific, the privilege which has through all time heretofore been accorded to them—of exchanging goods of a small amount in value, at her ports in California, for supplies indispensable to their health and comfort.

Nor will it escape the observation of Congress, that, in conducting a correspondence with a minister of the United States (who can not and does not know any distinction between the geographical sections of the Union), charges wholly unfounded are made against particular states, and an appeal to others for aid and protection against supposed wrongs. In this same connexion, sectional prejudices are attempted to be excited, and the hazardous and unpardonable effort is made to foment divisions among the states of the Union, and thereby embitter their peace. Mexico has still to learn that, however freely we may indulge in discussion among ourselves, the American people will tolerate no interference in their domestic affairs by any foreign government; and in all that concerns the constitutional guarantees and the national honor, the people of the United States have but one mind and one heart.

The subject of annexation addresses itself most fortunately to every portion of the Union. The executive would have been unmindful of its highest obligations, if it could have adopted a course of policy dictated by sectional interests and local feelings. On the contrary, it was because the question was neither local nor sectional, but made its appeal to the interests of the whole Union, and of every state in the Union, that the negotiation, and finally the treaty of annexation, was entered into; and it has afforded me no ordinary pleasure to perceive, that, so far as demonstrations have been made upon it by the people, they have proceeded from all portions of the Union. Mexico may seek to excite divisions among us, by uttering unjust denunciations against particular states; but when she comes to know that the invitations addressed to our fellow-citizens by Spain, and afterward by herself, to settle Texas, were accepted by emigrants from all the states—and when, in addition to this, she refreshes her recollection with the fact, that the first effort which was made to acquire Texas, was during the administration of a distinguished citizen from an eastern state, which was afterward renewed under the auspices of a president from the southwest—she will awake to a knowledge of the futility of her present purpose of sowing dissensions among us, or producing distraction in our councils, by attacks either on particular states, or on persons who are now in the retirement of private life.

Considering the appeal which she now makes to eminent citizens by name, can she hope to escape censure for having ascribed to them, as well as to others, a design, as she pretends now for the first time revealed, of having originated negotiations to despoil her, by duplicity and falsehood, of a portion of her territory? The opinion then, as now, prevailed with the executive, that the annexation of Texas to the Union was a matter of vast importance. In order to acquire that territory before it had assumed

a position among the independent powers of the earth, propositions were made to Mexico for a cession of it to the United States. Mexico saw in these proceedings, at the time, no cause of complaint. She is now, when simply reminded of them, awakened to the knowledge of the fact, which she, through her secretary of state, promulgates to the whole world as true—that those negotiations were founded in deception and falsehood, and superinduced by unjust and iniquitous motives. While Texas was a dependency of Mexico, the United States opened negotiations with the latter power for the cession of her then acknowledged territory; and now that Texas is independent of Mexico, and has maintained a separate existence for nine years—during which time she has been received into the family of nations, and is represented by accredited ambassadors at many of the principal courts of Europe—and when it has become obvious to the whole world that she is for ever lost to Mexico, the United States is charged with deception and falsehood in all relating to the past; and condemnatory accusations are made against states which have had no special agency in the matter, because the executive of the whole Union has negotiated with free and independent Texas, upon a matter vitally important to the interests of both countries. And after nine years of unavailing war, Mexico now announces her intention, through her secretary of foreign affairs, never to consent to the independence of Texas, or to abandon the effort to reconquer that republic. She thus announces a perpetual claim, which at the end of a century will furnish her as plausible a ground for discontent against any nation which at the end of that time may enter into a treaty with Texas, as she possesses at this moment against the United States. The lapse of time can add nothing to her title to independence.

A course of conduct such as has been described on the part of Mexico, in violation of all friendly feeling, and of the courtesy which should characterize the intercourse between the nations of the earth, might well justify the United States in a resort to any measures to vindicate their national honor; but actuated by a sincere desire to preserve the general peace, and in view of the present condition of Mexico, the executive, resting upon its integrity, and not fearing but that the judgment of the world will duly appreciate its motives, abstains from recommending to Congress a resort to measures of redress, and contents itself with reurging upon that body prompt and immediate action on the subject of annexation. By adopting that measure, the United States will be in the exercise of an undoubted right; and if Mexico, not regarding their forbearance, shall aggravate the injustice of her conduct by a declaration of war against them, upon her head will rest all the responsibility.

SPECIAL MESSAGE.

JANUARY 22, 1845.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE, herewith, an abstract of the treaty between the United States of America, and the Chinese empire, concluded at Wang Hiya on the 3d of July last, and ratified by the senate on the 16th instant; and which, having also been ratified by the emperor of China, now awaits

only the exchange of the ratifications in China ; from which it will be seen that the special mission authorized by Congress for this purpose has fully succeeded in the accomplishment, so far, of the great objects for which it was appointed, and in placing our relations with China on a new footing, eminently favorable to the commerce and other interests of the United States.

In view of the magnitude and importance of our national concerns, actual and prospective, in China, I submit to the consideration of Congress the expediency of providing for the preservation and cultivation of the subsisting relations of amity between the United States and the Chinese government, either by means of a permanent minister, or commissioner with diplomatic functions, as in the case of certain of the Mohammedan states. It appears, by one of the extracts annexed, that the establishment of the British government in China consists both of a plenipotentiary and also of paid consuls for all the Five Ports, one of whom has the title and exercises the functions of consul-general ; and France has also a salaried consul-general ; and the interests of the United States seem, in like manner, to call for some representative in China of a higher class than an ordinary commercial consulate.

I also submit to the consideration of Congress the expediency of making some special provision, by law, for the security of the independent and honorable position which the treaty of Wang Hiya confers on citizens of the United States residing or doing business in China. By the 21st and 25th articles of the treaty (copies of which are subjoined *in extenso*), citizens of the United States in China are wholly exempted, as well in criminal as in civil matters, from the local jurisdiction of the Chinese government, and made amenable to the laws, and subject to the jurisdiction of the appropriate authorities of the United States alone. Some action on the part of Congress seems desirable, in order to give full effect to these important concessions of the Chinese government.

SPECIAL MESSAGE.

FEBRUARY 4, 1845.

To the Senate of the United States :—

IN compliance with the resolution of the senate of the 5th December, I herewith transmit copies of the proceedings in the case of the inquiry into the official conduct of Silas Reed, principal surveyor of Missouri and Illinois, together with all the complaints against him, and all the evidence taken in relation thereto. I did not consider the irregularities into which the surveyor-general had fallen as of sufficient magnitude to induce his dismissal from office at the time that the papers reached me, having become convinced, upon inquiry of the commissioner of the general land office, of the ability, efficiency, and fidelity of the surveyor-general in all things appertaining to his office ; but, since the passage of the resolution by the senate, I regarded the matter as so augmented in importance as to induce me to refer the subject to the commissioner of the general land office, for a minute and thorough examination. A copy of the report which he has made, and also the defence of Doctor Reed, accompanies the papers. It has seemed to me that the fact set forth by the report exhibit certain irreg-

ularities which are properly reprehensible, but from which neither the surveyor-general, in a pecuniary point of view, derived profit, nor the government sustained loss, and which the reproof contained in the commissioner's report will in all future cases restrain; while the high testimony borne by the commissioner to the generally excellent deportment in office of the surveyor-general has seemed to me to mark the case more as one meriting disapproval, and correction in future, than the severe punishment of dismissal.

SPECIAL MESSAGE.

FEBRUARY 17, 1845.

To the House of Representatives of the United States:—

IN compliance with the resolution of the house of representatives of the 30th of December last, requesting information with reference to indemnities for claims of citizens of the United States upon the Mexican government, I transmit herewith a report from the secretary of state, and the documents which accompanied it.

SPECIAL MESSAGE.

FEBRUARY 19, 1845.

To the Senate of the United States:—

IN answer to the resolution of the senate of the 11th December, 1844, requesting the president "to lay before the senate, if in his judgment that may be done without prejudice to the public interests, a copy of any instructions which may have been given by the executive to the American minister in England, on the subject of the title to and occupation of the territory of Oregon, since the 4th day of March, 1841; also, a copy of any correspondence which may have passed between this government and that of Great Britain, or between either of the two governments and the minister of the other, in relation to that subject, since that time;" I have to say that, in my opinion, as the negotiation is still pending, the information sought for can not be communicated without prejudice to the public service.

I deem it, however, proper to add, that considerable progress has been made in the discussion, which has been carried on in a very amicable spirit between the two governments; and that there is reason to hope that it may be terminated, and the negotiation brought to a close, within a short period.

I have delayed answering the resolution, under the expectation, expressed in my annual message, that the negotiation would have been terminated before the close of the present session of Congress, and that the information called for by the resolution of the senate might be communicated.

REVENUE-CUTTER VETO MESSAGE.

FEBRUARY 20, 1845.

To the Senate of the United States :—

I HEREWITH return the bill entitled, "An act relating to revenue-cutters and steamers," with the following objections to its becoming a law :—

The executive has found it necessary, and esteemed it important to the public interests, to direct the building of two revenue-boats, to be propelled by wind or steam, as occasion may require ; the one for the coast of Georgia, and the other for Mobile bay, to be used as despatch vessels if necessary. The models have been furnished by the navy department, and side wheels have been ordered, as being best tested, and least liable to failure. The one boat is directed to be built at Richmond, Virginia ; the other at Pittsburg, Pennsylvania ; and contracts have been regularly entered into for their construction. The contractors have made and are making all necessary arrangements in procuring materials and sites for building, &c., and have doubtless been at considerable expense in the necessary preparations for completing their engagements. It was no part of the intention of the senate in originating the bill, I am well convinced, to violate the sanctity of contracts regularly entered into by the government. The language of the act, nevertheless, is of a character to produce, in all probability, that effect. Its language is, "that no revenue-cutter or revenue-steamer shall hereafter be built (*excepting such as are now in the course of building or equipment*), nor purchased, unless an appropriation be first made by law therefor." The *building* of the two cutters under contract can not be said properly to have commenced, although preparations have been made for building ; but even if the construction be ambiguous, it is better that all ambiguity should be removed, and thus the hazard of violating the pledged faith of the country be removed along with it.

I am free to confess, that, existing contracts being guarded and protected, the law to operate *in futuro* would be regarded as both proper and wise.

With these objections, I return the bill to the house in which it originated, for its final constitutional action.

SPECIAL MESSAGE.

FEBRUARY 20, 1845.

To the Senate and House of Representatives of the United States :—

I TRANSMIT, herewith, for the information of Congress, copies of certain despatches recently received from Mr. Wise, our envoy extraordinary and minister plenipotentiary at the court of Brazil, upon the subject of the slave-trade, developing the means used, and the devices resorted to, in order to evade existing enactments upon that subject.

Anxiously desirous as are the United States to suppress a traffic so revolting to humanity, in the efforts to accomplish which they have been the pioneers of civilized states, it can not but be a subject of the most profound regret that any portion of our citizens should be found acting in

co-operation with the subjects of other powers in opposition to the policy of their own government, thereby subjecting to suspicion, and to the hazard of disgrace, the flag of their own country. It is true that this traffic is carried on altogether in foreign ports, and that our own coasts are free from its pollution: but the crime remains the same wherever perpetrated; and there are many circumstances to warrant the belief that some of our citizens are deeply involved in its guilt. The mode and manner of carrying on this trade are clearly and fearlessly set forth in the accompanying documents; and it would seem that a regular system has been adopted for the purpose of thwarting the policy and evading the penalties of our laws. American vessels, with the knowledge (as there are good reasons to believe) of the owners and masters, are *chartered*, or rather purchased, by notorious slave-dealers in Brazil, aided by English brokers and capitalists, with this intent. The vessel is only nominally chartered at so much per month; while, in truth, it is actually sold, to be delivered on the coast of Africa; the charter party binding the owners, in the meantime, to take on board, *as passengers*, a new crew in Brazil, who, when delivered on the coast, are to navigate her back to the ports of Brazil with her cargo of slaves. Under this agreement, the vessel clears from the United States for some port in Great Britain, where a cargo of merchandise, known as "coast goods," and designed especially for the African trade, is purchased, shipped, and consigned, together with the vessel, either directly to the slave-dealer himself, or to his agents or accomplices in Brazil. On her arrival, a new crew is put on board *as passengers*, and the vessel and cargo consigned to an equally guilty factor or agent on the coast of Africa, where the unlawful purpose, originally designed, is finally consummated. The merchandise is exchanged for slaves; the vessel is delivered up; her name obliterated; her papers destroyed; her American crew discharged, to be provided for by the charterers, and the new or *passenger* crew put in command, to carry back its miserable freight to the first contrivers of the voyage, or their *employees* in Brazil.

During the whole progress of this tortuous enterprise, it is possible that neither the American crew originally enlisted, nor the *passenger* crew put on board in the Brazilian ports, are aware of the nature of the voyage; and yet it is on these, principally, ignorant if not innocent, that the penalties of the law are inflicted; while the guilty contrivers—the charterers, brokers, owners, and masters—in short, all who are most deeply concerned in the crime and its rewards, for the most part escape unpunished.

It will be seen, from the examinations which have recently taken place at Rio, that the subjects of her Britannic majesty, as well as our own citizens, are deeply implicated in this inhuman traffic. British factors and agents, while they supply Africa with British fabrics in exchange for slaves, are chiefly instrumental in the abuse of the American flag; and the suggestions contained in the letter of Mr. Wise (whose judicious and zealous efforts in the matter can not be too highly commended), addressed to Mr. Hamilton, the British envoy, as to the best mode of suppressing the evil, deserve your most deliberate consideration—as they will receive, I doubt not, that of the British government.

It is also worthy of consideration, whether any other measures than those now existing are necessary to give greater efficacy to the just and humane policy of our laws, which already provide for the restoration to Africa of slaves captured at sea by American cruisers. From time to time, pro-

vision has been made by this government for their comfortable support and maintenance, during a limited period after their restoration; and it is much to be regretted that this liberal policy has not been adopted by Great Britain. As it is, it seems to me that the policy it has adopted is calculated rather to perpetuate than to suppress the trade, by enlisting very large interests in its favor. Merchants and capitalists furnish the means for carrying it on; manufactures, for which the negroes are exchanged, are the products of her workshops; the slaves, when captured, instead of being returned back to their homes, are transferred to her colonial possessions in the West Indies, and made the means of swelling the amount of their products, by a system of apprenticeship for a term of years; and the officers and crew who capture the vessels receive, on the whole number of slaves, so many pounds sterling *per capita*, by way of bounty.

It must be obvious, that while these large interests are enlisted in favor of its continuance, it will be difficult, if not impossible, to suppress the nefarious traffic, and that its results would be in effect but a continuance of the slave-trade of another and more cruel form; for it can be but a matter of little difference with the African, whether he is torn from his country and transported to the West Indies as a slave in the regular course of the trade, or captured by a cruiser, transported to the same place, and made to perform the same labor, under the name of an apprentice, which is at present the practical operation of the policy adopted.

It is to be hoped that her Britannic majesty's government will, upon a review of all the circumstances stated in these despatches, adopt some efficient measures for the suppression of the trade which she has so long attempted to put down, with, as yet, so little success, and more consonant with the original policy of restoring the captured African to his home.

SPECIAL MESSAGE

FEBRUARY 21, 1845.

To the House of Representatives of the United States:—

IN compliance with your resolution of the 23d of January last, asking information "if any, and what, officers of the United States have been guilty of embezzlement of public money since the 19th of August, 1841; and further, whether such officers have been criminally prosecuted for such embezzlement; and, if not, that the reasons why they have not been so prosecuted be communicated," I herewith transmit letters from the secretaries of the treasury, war, and navy departments, and the postmaster-general, and from various heads of bureaus, from which it will be seen that no case of embezzlement by any person holding office under the government is known to have occurred since the 19th of August, 1841, unless exceptions are to be found in the cases of the postmaster at Tompkinsville, Kentucky, who was instantly removed from office, and all papers necessary for his prosecution were transmitted to the United States district attorney; and John Flanagan, superintendent of lead-mines of the upper Mississippi, who was also removed, and whose place of residence, as will be seen by the letter of the head of the ordnance bureau, has been, and still is, unknown.

ADMINISTRATION OF TYLER.

In consequence of the decease of William H. Harrison, president of the United States, on the 4th of April, 1841, being one month after his inauguration, the duties of the executive office devolved upon John Tyler, the vice-president, elected at the same time with President Harrison. Immediately after the decease of the president, Mr. Fletcher Webster, chief clerk in the department of state, accompanied by Mr. Beall, an officer of the senate, set out for the residence of the vice-president, in Virginia, bearing to him the following letter:—

"Washington, *April* 4, 1841.

"To John Tyler, Vice-President of the United States:—

"Sir: It has become our most painful duty to inform you that William Henry Harrison, late president of the United States, has departed this life.

"This distressing event took place this day, at the president's mansion, in this city, at thirty minutes before one, in the morning.

"We lose no time in despatching the chief clerk in the state department, as a special messenger to bear you the melancholy tidings.

"We have the honor to be, with the highest regard your obedient servants.

"Daniel Webster, *Secretary of State*,
"Thomas Ewing, *Secretary of the Treasury*,
"John Bell, *Secretary of War*,
"John J. Crittenden, *Attorney-General*,
"Francis Granger, *Postmaster-General*."

By the extraordinary despatch used in sending the official intelligence to the vice-president, at Williamsburg, and a similar despatch by him in repairing to the seat of government, Mr. Tyler arrived in Washington on Tuesday morning, the 6th of April, at four o'clock, and took lodgings at Brown's hotel.

At twelve o'clock all the heads of departments, with the exception of the secretary of the navy, Mr. Badger, who was then absent on a visit to his family, waited upon President Tyler, to pay him their official and personal respects. They were received by him with politeness and kindness. He signified his deep feeling of the public calamity sustained by the death of

President Harrison, and expressed his profound sensibility to the heavy responsibilities so suddenly devolved upon himself. He spoke of the present state of things with great concern and seriousness, and made known his wishes that the several heads of departments would continue to fill the places which they then respectively occupied; and expressed his confidence that they would afford all the aid in their power to enable him to carry on the administration of the government successfully.

The president then took and subscribed the following oath of office:—

"I do solemnly swear, that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States.

"JOHN TYLER.

"*April* 6, 1841."

"DISTRICT OF COLUMBIA, } ss.
"*City and County of Washington*, }

"I, William Cranch, chief judge of the circuit court of the District of Columbia, certify that the above-named John Tyler personally appeared before me this day, and although he deems himself qualified to perform the duties and exercise the powers and office of president, on the death of William Henry Harrison, late president of the United States, without any other oath than that which he has taken as vice-president, yet, as doubts may arise, and for greater caution, took and subscribed the foregoing oath before me.

"W. CRANCH.

"*April* 6, 1841."

On the following day, the new president attended the funeral of President Harrison, taking the place assigned him in the procession, following the heads of departments, after the family and relations of the late president. Two days after this solemn pageant was over, an inaugural address to the people of the United States, which will be found in the preceding pages, was issued by President Tyler, through the public press; the principles of which address gave general satisfaction. Although some of the expressions were somewhat ambiguous, the whig party was relieved from anxiety by the general tone and sentiments of the address; and confidence was felt that the president would co-operate with the majority of Congress in carrying out the views and desires of those by whom he had been elected. There were those, however, among the prominent whigs (of whom the late Hon. Samuel L. Southard, of New Jersey, and then president of the senate *pro tem.*, was one), who had long known Mr. Tyler, and carefully observed his course in the councils of the nation, who apprehended that he would carry with him into the presidency his peculiar notions of a strict construction of the constitution, imbibed in the Virginia school of democracy, involving principles which, if carried out, would prove repugnant to the views of public policy entertained by

the whig party, and defeat measures which they deemed necessary to restore the prosperity of the country. Nor were these apprehensions allayed, even when Mr. Tyler was understood to have said, on his arrival at Washington, after the death of Harrison, "You have but exchanged one whig for another."

The cabinet which had been appointed by General Harrison, was retained by President Tyler, namely, Daniel Webster, of Massachusetts, secretary of state; Thomas Ewing, of Ohio, secretary of the treasury; John Bell, of Tennessee, secretary of war; George E. Badger, of North Carolina, secretary of the navy; Francis Granger, of New York, postmaster-general; John J. Crittenden, of Kentucky, attorney-general. The retention of this cabinet, distinguished for its ability and for its possession of the confidence of the whig party, tended to confirm the feelings of hope and confidence inspired by the inaugural address of President Tyler.

In conformity with the general feelings of sorrow and regret which pervaded the public mind on the death of the chief magistrate of the nation, his successor recommended a day of fasting and prayer, to be observed by the people of the United States.

In entering upon the duties of the office of president, Mr. Tyler did not feel (to use his own words, in his message to Congress) that it would be becoming in him to disturb what had been ordered by his lamented predecessor. He therefore concurred in the measure which had been adopted by President Harrison, of convening Congress in extra session on the 31st of May. "His own first wish," he stated, "in the circumstances in which he was so unexpectedly placed, would have been, to have called to his aid, in the administration of public affairs, the combined wisdom of the two houses of Congress, in order to take their counsel and advice as to the best mode of extricating the government and the country from the embarrassments weighing heavily on both."

After the call of the extra session, and previous to the meeting, members of Congress were elected in the states of Connecticut, Rhode Island, Maryland, Virginia, North Carolina, Alabama, Kentucky, Tennessee, Indiana, Illinois, and Missouri. The state of Mississippi was not represented at the extra session, as no special election was ordered, and the annual election in that state took place in the month of November following. The members from Illinois were elected at the annual election in August, and took their seats in the house during the session.

The result of the elections at this time were equally favorable to the whig party with those which took place in 1840, immediately preceding the presidential election. The majority in favor of the new administration in the 27th Congress, according to the returns of members elect, was seven in the senate, and one vacancy; and about fifty in the house of representatives.

The hopes of the democratic incumbents in office, which were awa-

kened on the accession of Mr. Tyler to the presidency, were soon dissipated by the course he felt bound to pursue with regard to removals and appointments. The applications and importunities of office-seekers, which had commenced immediately after the inauguration of President Harrison, and which were temporarily suspended by his death, were renewed with increased vigor after his successor was invested with the power and patronage of the executive. A few days only had transpired after his accession, when the removal of the friends of the late administration from office was commenced by the new president; and their places were filled by whigs and conservatives. The removals and appointments continued to follow each other in rapid succession, and a similar course was pursued by the postmaster-general, with the sanction of the president, with respect to the numerous postmasters throughout the Union. President Tyler thus showed a disposition to gratify the desires and expectations of his political friends, with regard to office, even before the senate had an opportunity to act on the subject.

A brief review and notice of political parties in the United States, at this period, is deemed appropriate in this place, for the purpose of showing the position of the president and the new administration, with regard to measures of public policy and the course of events.

We have seen, in the sketches already given of various administrations, that the federal party which was thrown into the minority on the accession of Jefferson, and continued in opposition to the administration of that president, and that of his successor, Mr. Madison, became extinct, as a national party, soon after the termination of the war with Great Britain in 1815. In some of the states the name was kept up for a short period, but after a few feeble struggles the name of federalist became so unpopular that it was abandoned during the administration of President Monroe, whose management of the affairs of the nation was so satisfactory to all parties, that opposition for a time ceased. The parties which were subsequently formed for the support of Adams, Jackson, Crawford, and Clay, for the presidency, were more of a personal character than marked by distinct political principles; those who had been called federalists as well as democrats being found among the adherents of each of those candidates for the presidency. When General Jackson was elected president, his supporters claimed the name of democrats, and his opponents at first called themselves national republicans, but when joined by seceders from the administration ranks, in 1833 and '34, they took the name of whigs. Thus the two great national parties which divided the country at the accession of Mr. Van Buren to the president, in 1837, were respectively known by the name of democrats and whigs. With the latter, several minor parties of more limited extent, or local in character, generally acted, and the greater portion of these parties gradually became amalgamated with, and formed part of, the whig party. Such were the anti-masons of the mid-

dle and eastern states; the state-rights men of the south who disapproved of the removal of the public deposites from the United States bank, and other acts of General Jackson; and those supporters of General Jackson in Tennessee, Georgia, and other states, who were opposed to Mr. Van Buren as his successor.

The party called democratic, which supported the administration of General Jackson, and Mr. Van Buren as his successor, became themselves divided, particularly in the northern and middle states, even previous to the election of the latter to the presidency. In 1835, there arose in the city of New York, in the ranks of the democratic party, a combination in opposition to banks and other moneyed institutions, which afterward took the name of locofocos, or equal-rights party. The workingmen's party, which arose in the cities of New York and Philadelphia, in 1829, and dissolved in about two years afterward, was the progenitor, to some extent, of the locofoco or equal-rights party. Certain it is, that most of the measures advocated by the former (some of which were introduced into the United States from Great Britain, by Mr. Robert Dale Owen and Miss Frances Wright, who for some time published a newspaper in New York, called "The Free Enquirer") were decidedly popular with the latter, and both were equally hostile to banks, and other moneyed institutions, which they considered monopolies. Nevertheless, it was Andrew Jackson, in his contest with the bank of the United States, who enkindled the highest opposition in that direction, and the enthusiasm which he excited against the national bank soon extended itself to state banks. The New York election of 1834, with the strong pledge against monopolies which the candidates for members of Congress and the legislature, of the democratic party in that city, were required to sign, together with speeches and resolutions of the same character, at political meetings, as well as the circumstances previously mentioned, all combined to plant deeply in the minds of that party the seeds of hostility to monopolies. Consequently, the democratic party became divided within itself. On the one side (in favor of banks and other corporations) were the great majority of the leading men of the party, and nearly all the office-holders under the general, state, and city administrations; on the other, comprising then but a small section, composed principally of mechanics and other workingmen, were those calling themselves free-trade, anti-monopoly, hard-money men.*

The equal-rights party at first deemed it advisable to exercise great caution and secrecy in their movements. It required both moral and physical courage to attack the usages and organization of the democratic party, which were then controlled by those favorable to banking institutions. But at the election in the city of New York, for a member of Congress and members of the legislature, in the autumn of 1835, it was deter

* Byrdsall's History of the Locofoco or Equal-Rights Party.

mined to oppose the nomination of certain persons who were brought forward by the friends of banks.

At a meeting on the evening of the 29th of October, 1835, of the democratic party, at Tammany Hall (the usual place of such meetings), for the purpose of adopting a ticket to be supported at the approaching election, opposition was made by the anti-bank portion of the meeting, to certain names on the ticket. A struggle took place for the chair, between the two sections of the party; but the friends of banks having placed their leader in the chair, and declared their ticket and resolutions adopted, attempted to adjourn the meeting and put out the lights. Their opponents being prepared for the occasion, by means of *locofoco* matches carried with them for the purpose, instantly restored the light in the room, placed their leader in the chair, adopted an equal-rights democratic ticket, and passed sundry resolutions against banks and paper-money, avowing themselves in favor of gold and silver as the only circulating medium of the country.

Thus was formed a new party, the supporters of which were forthwith denominated by their opponents, "locofocos," a name which was gradually extended to the entire democratic party of the Union. Although this new section of the party was at first inconsiderable in number, giving but about four thousand votes at the election in the city of New York in 1835 apprehensions were entertained by the leading men of the democratic party, that the principles thus avowed might extend in their ranks, and cause disunion and defeat to the friends of the administration of Jackson and Van Buren. Efforts were therefore made to conciliate the equal-rights party, and prevent their separation from the ranks of the democracy. Their favorite candidate for president, Colonel Richard M. Johnson, of Kentucky, was nominated for vice-president on the ticket with Mr. Van Buren, and elected to that office by the friends of the latter. Numerous banks were incorporated by the democratic majority in the legislature of the state of New York, as well as several other states, in the year 1836, after which a pause took place in chartering those institutions; which cessation of bank-making, however, was partly occasioned by the pecuniary embarrassments which overtook the concerns of the country in 1837.

The recommendation of a separation of the financial concerns of the United States government from the state banks, brought forward by President Van Buren, in his message at the extra session of Congress in 1837, created a division in the ranks of the supporters of his administration, which was first exhibited in Congress, but soon extended among the people. Those democrats who were opposed to an exclusive specie currency, and the sub-treasury scheme recommended by Mr. Van Buren, and those in favor of banks as depositories of the public moneys, became a distinct section of the party, and were called "conservatives." Those who adhered to these views eventually joined the whigs, in opposition to Mr. Van

Buren's administration, and in 1840 aided in the election of Harrison and Tyler.

With regard to the state-rights men, or those originally attached to the democratic party, who had disapproved of the removal of the deposites from the bank of the United States, and some other acts of General Jackson; most of them opposed the administration of Mr. Van Buren, and eventually amalgamated with the whig party. A considerable portion of the state-rights men, however, among whom was Mr. John C. Calhoun, and a majority of the people of South Carolina, left the whigs, soon after the accession of Mr. Van Buren to the presidency, and became supporters of his administration, particularly sustaining his views respecting the sub-treasury and other currency measures. Consequently, the vote of South Carolina was given to Mr. Van Buren, when he was a candidate for re-election to the presidency, in 1840.

The election of 1840, which elevated General Harrison and Mr. Tyler to power, was effected by the joint efforts of the whigs and conservatives, the latter, for all practical purposes, becoming merged in the whig party. The party which supported the re-election of Mr. Van Buren in 1840, calling themselves democrats, while their opponents gave them the name of locofocos, were then united throughout the country in advocating the measures of Mr. Van Buren's administration, particularly his recommendation of a sub-treasury, or the separation of the national funds from the state banks, and the collection of the public revenues in gold and silver.

After his nomination for vice-president, in 1840, and previous to the election, Mr. Tyler avowed himself a firm and decided whig, stating that on the subjects of Mr. Clay's compromise tariff law then in operation, which he considered a protective tariff, and the distribution of the proceeds of the sales of the public lands among the states, he concurred with Mr. Clay and General Harrison. On the subject of a national bank, he said, in a letter replying to one from the democratic citizens of Steubenville, in October, 1840: "My opinion of the power of Congress to charter a bank of the United States remains unchanged. There is not in the constitution any express grant of power for such a purpose, and it never could be constitutional to exercise that power, save in the event that the powers granted to Congress could not be carried out without resorting to such an institution." In another letter to several citizens of Henrico county, Virginia, dated in October, 1840, he remarked: "My votes are repeatedly recorded on the journals of Congress, against the power of Congress over the subject of internal improvement, in all its phases and aspects, as well in regard to roads and canals, as to harbors and rivers. The first, viz., appropriations to roads and canals, have well nigh entirely ceased, while annual appropriations, to a large amount, have been made to harbors and rivers, with the sanction and approval of the president of the United States."

The twenty-seventh Congress met in extra session, on the 31st day of May, 1841. The session closed on the 13th of September following. John White, a whig member from Kentucky, was elected speaker of the house of representatives, having received on the first vote, *viva voce*, 121 votes, against 84 for John W. Jones, of Virginia (democrat), and 16 scattering. In the senate, as already stated, there was also a decided majority in favor of the administration.

A committee of the house being proposed to join one from the senate, as usual, to wait on the president of the United States, and inform him that a quorum of the two houses had assembled, and that Congress was ready to proceed to business, &c., Mr. M'Keon, of New York, moved to amend the resolution appointing the committee, by striking out the word "president," and inserting the words "vice-president, now occupying the office of president of the United States." This motion Mr. M'Keon supported in a constitutional argument, which was replied to by Mr. Wise, of Virginia, and the amendment was rejected, and the original resolution adopted, by which the house recognised John Tyler as president of the United States.

The message of the president was generally well received by the friends of the new administration. Though cautiously worded on the subject of a national bank, and somewhat ambiguous as to his own views with regard to such an institution, it was believed that he would sanction any bill that might receive the support of a majority of both houses of Congress, for the incorporation of a bank or fiscal agent, for the regulation of the currency, and for managing the funds of the government.

At the opening of the session, the president's message was accompanied by the report of the secretary of the treasury. This paper earnestly recommended the establishment of a bank. It added: "If such an institution can be so conceived in principle and guarded in its details as to remove all scruples touching the question of constitutional power, and thus avoid the objections which have been urged against those heretofore created by Congress, it will, in the opinion of the undersigned, produce the happiest results, and confer lasting and important benefits on the country."

The bank was thus brought distinctly to the consideration of Congress, both by the president and the secretary.

The president was desirous that Congress should call on the secretary to report a plan for a bank. He expressed this wish to more than one member, immediately upon the opening of the session; in fact, invited the call. Mr. Wise, his confidential friend, introduced a resolution to this end into the house, on the 3d of June. Mr. Clay did the same thing in the senate, on the 7th of June.

On the 12th of June, the secretary, Mr. Ewing, made his report, and with it a bill for the incorporation of "The Fiscal Bank of the United States."

This bill was represented by the secretary as creating an institution, in the general plan and frame of which he had endeavored to free it from the constitutional objections which have been urged against those heretofore created by Congress.

This plan accordingly differed from the former bank of the United States in two essential characteristics—both of which, it was understood, were introduced upon Mr. Tyler's suggestion, and in deference to his peculiar views of the constitution.

First, it proposed a bank to be incorporated in the District of Columbia.

Second, it was to have the power to establish branches only with the assent of the states.

Many provisions were made to guard against the abuses which were known or alleged to have crept into the former banks.*

The amount of capital named was thirty millions of dollars; in other respects—in privilege of discount and exchange, &c.—the institution proposed was similar to the two former banks incorporated by Congress.

This plan of a national bank proposed by the secretary of the treasury, received the approbation of every member of the cabinet, as the only plan which would be likely to succeed, considering the opinions of the acting president. Mr. Webster afterward remarked, that "it was the part of wisdom, not to see how much of a case they could make out against the president, but how they could get on as well as they might with the president." Mr. Wise, a confidential friend of the president, in a letter written after the extra session, observed, that "the secretary of the treasury, Mr. Ewing himself, proposed a plan which he recommended to Congress as one which would conduct our finances and commerce, equalize exchanges, regulate currency, and avoid all constitutional difficulties. This was the very desideratum, if it was what he described it to be, and this was emphatically, by a whig administration recommendation from the proper department, said to be acquiesced in by the president, and it was called for by both houses of Congress. It was justly regarded as the whig measure of the first moment, and would as such have been met and treated doubtless by the opposition or Van Buren party."

Mr. Ewing's report and bill were referred in the senate to the select committee on the currency, of which Mr. Clay was chairman. That committee reported, on the 21st of June, a bill in all essential features the same as that proposed by the secretary of the treasury and supposed to have been approved by the president, with one exception. That exception regarded the establishment of branches.

The bank, on this plan, as well as in the other, was to be situated in the District of Columbia (at Washington city); it was to have the same capital of thirty millions—with a provision for future increase, if Congress should think it advisable, to fifty millions.

* Kennedy's Defence of the Twenty-seventh Congress.

It provided for a government subscription of ten millions, instead of the secretary's six; and it dispensed with the fourth instalment of the surplus revenue, amounting to upward of nine millions, which the secretary's bill proposed to make part of the capital. It allowed dividends as high as seven per cent.; the other restricted them to six; it gave nine paid directors, and required a majority to transact business: the executive scheme proposed seven paid directors, and three a quorum for business. It was somewhat more stringent in its regulations than the bill of the executive; among other particulars, in these:—

It forbade the appointment of any member of Congress, or of a state legislature, or officer or contractor of the federal or state governments, as a director in the bank or its branches:

It forbade all discounting within the District of Columbia, or loans, except to the government:

It gave additional powers to facilitate free examination of the bank by the secretary of the treasury:

It added restrictions to the use, and guards against the abuse, of proxies:

It forbade the officers from borrowing money or obtaining discounts from the bank, or contracting debts with it.

In these and sundry other particulars, the senate bill was more guarded and restrained than the executive bill.

These diversities between the two schemes mainly respect the efficiency of the proposed institution. They did not touch any debatable question of constitutional power.

Such a question of constitutional power, and the only one, was presented in the clause relating to the establishment of branches. In all other points the bills are the same in principle, and with very little variation, coincident in detail—almost identical in phraseology.

On this point of establishment of branches—the 16th fundamental rule in each bill—the senate plan differed from that of the executive, to the following extent:—

The executive bill authorized the corporation to establish a bank for discount and deposite, in any state whose legislature should give its assent to such an act; such branch being once established, not to be withdrawn without the assent of Congress: or, instead of establishing such office, the directors were authorized, from time to time, to employ any individual agent, or bank—with the approbation of the secretary of the treasury—at any place, to transact the business of the bank, other than for the purposes of discount.

The senate bill, first made it *obligatory* upon the corporation to establish an office of discount and deposite, in any state in which two thousand shares should have been subscribed, whenever, upon the application of the legislature of such state, Congress should require the same; sec-

ond, the directors were authorized to establish such offices in any state or territory, whenever they should think it expedient, without the assent of the legislature ; third, or instead of establishing such offices, to employ an agent or bank, to be approved by the secretary of the treasury—at any place—to transact the business of the bank, other than for the purposes of discount. This latter clause being to the same effect as that in the executive bill.

The above is a view of the two provisions. It will be seen how very narrow was the difference between Mr. Tyler's proposition and Mr. Clay's ; a difference, so far as constitutional power was concerned, that rested upon the naked alternative of—

Branches to be established *originally* with the assent of the states, and that assent, once given, to be irrevocable ; or branches to be established when and where found convenient, without that *original* assent.

The president maintained in vindication of the principle inserted in his bill, that although he could find power in the constitution to establish a bank, he could find none to establish a branch ; that to get this absent power, it was necessary that Congress should apply to each state for a grant of it.

Mr. Clay, on the other hand, held that if the constitution did not give the power to establish a branch, no assent of a state could give it, and, therefore, that it was unconstitutional to attempt to derive power from the assent of a state.

Upon this logic, a division of opinion arose in Congress ; not as to which of those positions was the sound one. It was believed there was not a man in either house who honestly and sincerely held with the president. But the question which now divided Congress was—Can not the president be gratified as to this notion of his regarding the assent of the states ? Can not Congress, if it finds motive to do so, as a matter of expediency merely, waive and forego its right to establish a branch, and ordain that that right shall not be exercised except in such case as when a state may express a wish for a branch ?

Upon this point, there was a very general, perhaps unanimous, concurrence of the whig party in the affirmative. Is it expedient to establish such a precedent ? May it not be used, hereafter, to the prejudice of good legislation ? On this point there was less unanimity. Some members were strongly opposed. Then it was suggested that the power might be waived, with a protestation. Many other suggestions were made, evincing great solicitude to comply with the president's wish, if possible.

The difficulty was, at last, thought to be settled by a compromise ; to which, it was reported, the president had agreed. There was great repugnance to it among the whig members, but it was finally agreed to, because the majority thought the president wished it.

The compromise was this: The directors to have power to establish a branch with the assent of the state, and when established, not to be withdrawn without the consent of Congress: provided, first, that the power to establish a branch shall be unrestrained, in respect to any state which shall not, at the first session of its legislature, after the passage of the charter, express its dissent; in defect of which, assent shall be presumed. And provided, second, that whenever Congress shall deem it necessary and proper to the execution of powers granted by the constitution, to establish a branch in any state, then Congress may require the directors to establish such branch.

The compromise being thus arranged in conformity, as it was supposed, with the president's views, it was incorporated in the bill, and the whigs then hastened to pass it. There is, however, no reason to suppose that the president ever gave any distinct promise to accept the compromise, although such a belief was prevalent.*

The bill incorporating the fiscal bank was finally passed by Congress on the 6th of August, and sent to the president for his decision. The vote in the senate, where the bill originated, was 26 ayes to 23 noes; in the house of representatives, 128 ayes to 97 noes. The president retained the bill until the 16th of August, and during this interval the greatest anxiety prevailed among the whigs, with regard to the course he might conclude to pursue. The president's house was filled with visiters from the ranks of the opposition, some of whom became his intimate advisers. When the whigs learned that he complained that they kept aloof from him, and thinking it their duty to do everything in their power to avert the threatened veto, they waited upon him in delegations, to apprize him of the feeling which was likely to arise in the country upon this act. One delegation in particular, of great respectability—the whigs representing Ohio—called upon him on Friday evening, the 13th of August. They told him frankly what they feared; assured him of the earnest desire of the party to preserve harmony and good will toward the president: represented to him the deep concern of the nation in the bank question. He protested his own intense feeling upon the subject; spoke apparently with frankness of the difficulties he felt in regard to certain points in the compromise section; suggested an amendment which would render this section acceptable to him; declared his entire freedom from all prejudice or extrinsic influence in regard to the measure; wept; promised to pray for guidance; and then asked, by way of remonstrance: "Why did you not send me Ewing's bill?"

"Would you sign that bill?" inquired one of the delegation.

"I would," was the reply.

Such was the interview, as described by those who witnessed it. The Ohio members left his apartment fully possessed with the opinion that the

* Kennedy.

president was sincerely desirous to have a bank such as his cabinet minister had reported. Although they had reason to expect a veto of the pending bill, they believed that all difficulty would be removed by adopting the president's plan as it came from the secretary. This opinion they infused into the whigs of Congress; and the hopes of a favorable settlement of the question began to brighten among them. Subsequently the president informed one of the Ohio delegation that he wished to recall what he had said respecting Mr. Ewing's bill, which he declared that he had not read when he said that he would sign it if it were sent to him. He now said that he could not sign that, but added, "If you will examine the message [veto] I have sent to-day, you will find shadowed forth a much better bank there, one that has been long endeared to me."*

During the time while the president held the bank bill under consideration, among other friends who urged him to allow the bill to become a law, Mr. Botts, of Virginia, wrote him a confidential and respectful letter on the 10th of August, from which we make the following extracts:—

"It is generally understood that you are to veto the bank bill. If it be so, have you contemplated the consequence, in all its bearings? Can your cabinet sustain you in the veto. Will they not be compelled to resign? For whatever may be your views as to the principles upon which you came into power, it can not be denied that those on which they have been sustained by the country require at their hands an earnest support of the measure that has been demanded by the people through their representatives, by a majority exceeding the entire representation of Virginia and South Carolina, the two states in which the strongest opposition is supposed to exist.

"The sub-treasury is repealed; and the deposite system of 1836 is also repealed in one house, and will pass the other. Congress will not consent to take the plan suggested by the secretary of the treasury. Will you not find it impossible to carry on the government, and will not a resignation be forced upon you?

"On the contrary, if you can reconcile this bill to yourself, all is sunshine and calm. Your administration will meet with the warm, hearty, zealous support of the whole whig party, and you will retire from the great theatre of national politics with the thanks, and plaudits, and approbation of your countrymen."

Three days after his interview with the Ohio delegation, President Tyler sent the bank bill back to the senate, in which it originated, with his veto message.

So far as this act signified his dissent from the senate bill, it surprised nobody. The recent reports, especially that from the Ohio delegation, had prepared Congress to expect it. But the substance of the message,

* Kennedy.

and the grounds upon which it placed the veto, greatly surprised that body —excepting only those who were in the secret.

The message presents four objections to the bill:—

First, that it is an attempt to create a bank to operate *per se* over the Union—and therefore unconstitutional.

Second, that it is a bank of discount—and therefore unconstitutional.

Third, that it was not a bank exclusively confined to the power of dealing in exchanges, which would be constitutional and eminently useful, if conducted on the plan of the exchange operations of the old bank.

Fourth, that the assent of the states toward establishing branches was not sufficiently secured.

The first three of these objections apply as forcibly to Mr. Ewing's bill as to that from the senate.

The bank proposed by the secretary was more distinctly a bank of local discount than the senate bank; for the latter absolutely forbade discounting in the District of Columbia, which the other allowed. The discount power was as large in the secretary's plan as in the old bank. Then as to dealing in exchange, Mr. Ewing's plan encouraged it no more than the other, but left this faculty much where it was in the former charter. The fourth objection is peculiar to the senate's bill; yet here the difference hangs by a cobweb.*

Yet, according to the evidence of Mr. Wise, and other friends of the executive, Mr. Ewing's bill had been adopted by the president and his cabinet as a compromise of the vexed question.

The veto message completely bewildered the whig members of Congress, and was received with dismay and anxiety by the friends of the administration throughout the country. Immediate efforts were made by the leading whigs in Congress, and the members of the cabinet, to repair, if possible, the evil effects which threatened the party with distraction and dissolution.

A hope yet remained. The president had shadowed out a plan in his veto message, which, as he remarked to a member from Ohio, was a plan long endeared to him. The message was examined, and it occurred at once to every one, upon reading his commendation of the exchange operations of the old bank, that the plan shadowed forth in that document was a bank to be constructed with reference to such dealings in exchanges as were described to be so beneficial to the country in the old bank, and which should be disabled from dealing in local discounts.

To make sure of the president's concurrence in this matter, two gentlemen of the highest standing in Congress—Mr. Berrien, of the senate, and Mr. Sergeant, of the house—were deputed by the whigs to ascertain from him precisely what kind of a bill he would feel himself authorized to approve.

* Kennedy.

They executed their commission with great fidelity; had an interview with the president; learned from him that he was in favor of a fiscal agent divested of the discounting power, and limited to dealing in bills of exchange, other than those drawn by a citizen of one state upon another citizen of the same state. A bill was prepared in conformity with these suggestions. It was submitted to Mr. Webster, and by him to the president; was approved, and sent to the house of representatives; reported there, and passed.

The interview of Messrs. Berrien and Sergeant with the president was on the 18th of August. The bill was prepared on the 19th, and submitted to the president, and approved by him. It was then returned to Mr. Sergeant, who, on Friday, the 20th, introduced it into the house as an amendment to a bill then pending in committee of the whole.* It was entitled, "An act to provide for the better collection, safekeeping, and disbursement of the public revenue, by means of a corporation to be styled the fiscal corporation of the United States." The name of bank was omitted in conformity with the wishes of the president.†

On Monday, the 23d of August, at 4 o'clock, the bill was taken out of committee, and passed, without the alteration of a word from the original report, by a vote of 125 to 94. It was passed in the senate, 27 to 22, without amendment, on Friday, the 3d of September.

In the meantime, several important measures proposed by the whigs in Congress, had been adopted in both branches, and received the approbation of the president. On the 17th of August, the day after his veto of the fiscal bank bill, the president informed Congress that he had signed the bill repealing the sub-treasury law; and on the 18th a bill, which had previously passed the senate, 26 to 23, to establish a uniform system of bankruptcy throughout the United States, was passed in the house of representatives, by a vote of 110 to 106; the votes of the democratic party in both houses, with very few exceptions, being in the negative. This bill, which was considered a prominent whig measure, was called for by an immense number of petitioners throughout the United States, embracing many of the largest capitalists and of the most intelligent among the commercial community, as well as those who were classed among the unfortunate, in consequence of the vicissitudes of trade. The want of a uniform bankrupt law had been seriously felt for nearly forty years, during which the country had been without a system; particularly by that portion of citizens who were engaged in mercantile pursuits, whether creditors or debtors.

While the bill to establish the fiscal corporation was pending in the house of representatives, an event occurred, which probably had an important influence on the mind of the president in determining his subsequent

* Kennedy's Defence of the Twenty-seventh Congress.

† Mr. Ewing's Letter, in Niles's Register, vol. lxi., p. 34.

action on that measure, and produced the most disastrous effects on the prospects of the whig party and the administration of Mr. Tyler. On the 21st of August, the following copy of a letter from Hon. John M. Botts, a distinguished whig member of Congress, representing the Richmond district of Virginia, in the house of representatives, appeared in the Madisonian, the official executive paper at Washington. It was accompanied with a notice by the editor, stating that it was forwarded to him late the previous evening, as having been written by the author, for the *Coffeehouse*, at Richmond, where such scraps of news are made as public as at an exchange of a commercial city. "Under any other circumstances," the editor remarked, "we should not have felt authorized to publish it. Forewarned, Mr. Tyler will be forearmed. We shall see whether Mr. Botts, and such as he, will succeed in 'heading' him—whether they will perpetrate a legislative fraud, such as the letter describes, for the heartless purpose of 'fastening' Mr. Tyler, and forcing him into a measure which neither his conscience sanctions, nor his judgment approves."

"August 16, 1841.

"Dear Sir: The president has finally resolved to veto the bank bill. It will be sent in to-day at 12 o'clock. It is impossible to tell precisely on what ground it will be placed. He has turned, and twisted, and changed his ground so often in his conversations, that it is difficult to conjecture which of the absurdities he will rest his veto upon.

"In the last conversation reported, he said his only objection was to that provision which presumed the assent of the states when no opinion was expressed, and if that was struck out, he would sign the bill. He had no objection to the location of branches by the directors, in the absence of dissent expressed, but whenever it was expressed, the power to discount promissory notes must cease, although the agency might continue, for the purchase and sale of foreign exchange. However, you will see the message.

"Our Captain Tyler is making a desperate effort to set himself up with the locofocos, but he'll be headed yet, and I regret to say, it will end badly for him. He will be an object of execration with both parties; with the one, for vetoing our bill, which was bad enough—with the other, for signing a worse one; but he is hardly entitled to sympathy. He has refused to listen to the admonition and entreaties of his best friends, and looked only to the whisperings of ambitious and designing mischief-makers who have collected around him.

The veto will be received without a word, laid on the table, and ordered to be printed. To-night we must and will settle matters, as quietly as possible, but they must be settled.

"Yours, &c., "Jno. M. Botts.

"You'll get a bank bill, I think, but one that will serve only to fasten him, and to which no stock will be subscribed; and when he finds out

that he is not wiser in banking than all the rest of the world, we may get a better. The excitement here is tremendous, but it will be smothered for the present."

The above letter was postmarked "Washington, 16th August," and addressed to "Coffeehouse, Richmond. (Free.) Jno. M. Botts."

In explanation of this letter, Mr. Botts published an address to the public, in which he states that the former was written under strong feelings of indignation at the president's course, and was intended as a private letter to Mr. Lynch, proprietor of the Coffeehouse, Richmond (a reading and news-room); that it was inadvertently directed to the Coffeehouse, instead of Mr. James H. Lynch. This private letter was published without the authority either of the writer or of the individual to whom it was written. Mr. Botts denied the correctness of the inference and construction put upon certain expressions in this letter by the president and his friends.

The secretary of the treasury, Mr. Ewing, in his letter of resignation to the president, remarks: "No doubt was thrown out on the subject [of the fiscal corporation bill] by you, in my hearing, or within my knowledge, until the letter of Mr. Botts came to your hands. Soon after the reading of that letter, you threw out strong intimations that you would veto the bill if it were not postponed. That letter I did and do most unequivocally condemn, but it did not affect the constitutionality of the bill, or justify you in rejecting it on that ground; it could affect only the expediency of your action, and whatever you may now believe as to the scruples existing in your mind; in this and in a kindred source there is strong ground to believe they have their origin."*

Mr. Webster, in a letter to the two senators from Massachusetts, dated on the 25th of August, remarks: "I know that the president had been greatly troubled, in regard to the former bill, being desirous, on one hand, to meet the wishes of his friends, if he could, and on the other, to do justice to his own opinions.

"Having returned this first bill, with objections, a new one was presented to the house, and appeared to be making rapid progress.

"I know the president regretted this, and wished the whole subject might have been postponed. At the same time I believed he was disposed to consider calmly and conscientiously, whatever other measure might be presented to him. I have not the slightest doubt that the present bill was honestly and fairly intended as a measure likely to meet the president's approbation. I do not believe that one in fifty of the whigs had any sinister design whatever, if there was an individual who had such design.

"But in the meantime Mr. Botts's very extraordinary letter made its appearance. Mr. Botts is a whig of eminence and influence in our ranks.

* Niles's Register, vol. lxi., p. 34.

I need not recall to your mind the contents of that letter. It is enough to say that it purported that the whigs designed to circumvent their own president, to 'head him,' as the expression was, and to place him in a condition of embarrassment.

"From that moment, I felt that it was the duty of the whigs to forbear from pressing the bank bill further at the present time.

"I thought it was but just in them to give decisive proof that they entertained no such purpose as seemed to be imputed to them. And since there was reason to believe that the president would be glad of time, for information and reflection, before being called on to form an opinion on another plan for a bank—a plan somewhat new to the country—I thought his known wishes ought to be complied with. I think so still. I think this is a course just to the president, and wise on behalf of the whig party.

"A decisive rebuke ought, in my judgment, to be given to the intimation, from whatever quarter, of a disposition among the whigs to embarrass the president. This is the main ground of my opinion; and such a rebuke, I think, would be found in the general resolution of the party to postpone further proceedings on the subject to the next session, now only a little more than three months off.

"The session has been fruitful of important acts. The wants of the treasury have been supplied; provisions have been made for fortifications, and for the navy; the repeal of the sub-treasury has passed; the bankrupt bill, that great measure of justice and benevolence, has been carried through; and the land bill seems about to receive the sanction of Congress.

"In all these measures, forming a mass of legislation more important, I will venture to say, than all the proceedings of Congress for many years past, the president has cordially concurred.

"I agree, that the currency question is, nevertheless, the great question before the country; but considering what has already been accomplished, in regard to other things; considering the difference of opinion which exists upon this remaining one; and considering, especially, that it is the duty of the whigs effectually to repel and put down any supposition that they are endeavoring to put the president in a condition in which he must act under restraint or embarrassment, I am fully and entirely persuaded that the bank subject should be postponed to the next session.

"I am, gentlemen, your friend and obedient servant,

"DANIEL WEBSTER."*

On the 9th of September, six days after its passage in Congress, the president returned the fiscal corporation bill to the house of representatives, where it originated, with his objections. The following day it was taken up in the house, and after debate, 103 members voted in the affirmative, and 80 in the negative; consequently the bill was lost, two thirds not

* Niles's Register, vol. lxi., p. 55.

voting for it. The fiscal bank bill which was returned to the senate on the 16th of August, it having originated in that body, was lost also, for want of a two-third vote. On that bill, when returned, the vote of the senate was 25 ayes, to 25 noes.

The Hon. N. P. Tallmadge, one of the senators from the state of New York, endeavored, on each occasion, to induce the president to withhold his veto on the bank question. Being on the most intimate and confidential terms with President Tyler, he, on the 9th of September, addressed him a respectful letter, in which he urged, with great ability, the importance to himself, the party, and the country, of his approval of the fiscal corporation bill. He warned him of the fatal consequences which would result from a second veto. He remarked: "The public mind is too much excited to receive another veto, without the most unequivocal manifestations of disapprobation, not to say indignation. Such feelings existed, but were suppressed, on the former occasion, because it was seen that Congress was making a great and mighty effort to recover from the blow which that message inflicted—a blow the more severe and the less to be resisted, because inflicted by a friend—by him too who had come into power with the rich legacy of the lamented Harrison—namely, 'to understand and carry out the true principles of the government,' of which this measure was the leading one. These feelings can not longer be suppressed, after another exercise of the veto power on the present bill. *That bill, it is well understood, was prepared in pursuance of your suggestions, after full consultation with your cabinet, and with other gentlemen; and its provisions made to conform to your views*, and with the unequivocal understanding that it would meet your approbation.

"It was brought forward, and passed by your friends in Congress, for the purpose of obviating all difficulties on your part, believing, as they did, from most undoubted sources, that its provisions had received your sanction. I can not therefore, for one moment, persuade myself that any credit ought to be given to a rumor of a second veto.

"I will hope that you will seize this occasion to sustain the confidence of the party which placed you where you are; and that you will, by the approval of this bill, render your administration as popular as you will make the country prosperous, and the people happy.

"Let no hasty opinions which you have expressed against the bill, prevent you from consummating an act so honorable to yourself, so desirable to your party, so important to the country. It is the part of a great man to surmount the obstacles which obstruct the way of smaller men. Washington had his veto of the first bank bill all prepared, with the intention of sending it to Congress; but that great man changed his purpose at the very last moment, and approved the bill. Is not his example worthy of imitation? Can you not, ought you not, to exhibit, on this occasion, those high qualities for which he was so distinguished, and which in him com-

manded the admiration of the whole country? How enviable would be your position! How laudable the ambition to imitate such an example! By your approval of this bill, the most intimate and cordial relations would be preserved between yourself and your political friends—the confidence of the party would be sustained, and we should all have the proud satisfaction of interchanging those reciprocal acts of kindness and good feeling which are the life and soul of all honorable, political associations. May I not hope, then, that this great and patriotic purpose may influence your decision, and that we may all return to our constituents, having by our united action accomplished the great objects for which we were called together, and receive their annunciation of 'Well done, good and faithful servants.'"

The president's vetoes of the two bank bills were of course received with far different feelings by the two political parties into which the country was divided. While the whigs viewed the president's course with indignation, and denounced him as unfaithful to the party which had elevated him to his high station, their democratic opponents in Congress and throughout the country, warmly applauded Mr. Tyler for defeating the plans for a national bank, and numerous meetings of the democracy were held, in which the president was highly commended for his independent course. Care, however, was taken, by the democratic leaders, to prevent any encouragement being held out to Mr. Tyler that he would be acknowledged as the head of the party, or a candidate for re-election. Mr. Van Buren, in a letter to his political friends in New York, on the 5th of September, remarked, that "if Mr. Tyler should complete the work so wisely begun, by disapproving the bill for the creation of a fiscal corporation, he will be entitled to the thanks of the country." The peculiar tone of this letter occasioned a general smile, wherever read.

With regard to public opinion, it was denied by the opposition in Congress that the people had decided in favor of a national bank, by the presidential election of 1840. To this the whigs replied, that the newspaper organs of the late administration displayed at their head, during the contest, the words, "An independent treasury, and no national bank," and the issue thus made was determined against them. That in the election of members of the house of representatives, a majority of about forty of the whole body was elected, composed of known friends of a national bank, and thus the people had decided in favor of such an institution. Mr. Clay, in his speech in the senate on President Tyler's first veto message, said: "It is incontestable that it was the great, absorbing, and controlling question, in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, not less than two thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled, by the recent decisions of the two houses of Congress. I speak of them *as evidence* of popular opinion In the house

of representatives the majority was one hundred and thirty-one to one hundred. If the house had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from among them, and to whom the president seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?"

In the debate on the second veto, in the house of representatives, Mr Botts said: "It is certain, that when we came here no doubt was entertained by either party that he [the president] would sign a bank bill: our friends thought so, or it would not have been discussed, as it was, for ten or twelve weeks; the other party thought so, or they would not have gotten up the cry of repeal! repeal! which resounded, not only through the walls of this capitol, but became the watchword of the party throughout the country. But we are now told that we must wait, give time; and it has been intimated by the president that the people are not in favor of a bank! Indeed, sir, the people not in favor of a bank! Why, what evidence is required stronger than that presented? You have a majority of thirty-one voting for this bank, with seven absentees who voted for the first bank, which gives you thirty-eight. Several others, who voted against it, acknowledge their constituents to be in favor of some bank, though they were not satisfied with this, which gives you forty, or upward. Which of those voting for a bank does the president charge with misrepresenting his constituents? None, that we have heard of. Then suppose each member to represent his constituents fairly, and each one to represent sixty thousand persons, which is a reasonable average, and a majority of forty on this floor gives you a majority of two million four hundred thousand of the population of the United States in favor of a bank; and yet we are to be told it is a doubtful question, upon which the people have expressed no opinion!"

The two principal motives attributed to Mr. Tyler as the cause of his vetoes of the bank bills, were, first, his constitutional scruples, with a determination to preserve his character for consistency; and second, having set his heart upon a second term for the presidency, he was charged with endeavoring to ingratiate himself with the democratic party by his bank vetoes, and thus become the candidate of that party for re-election, in 1844. It is evident that his position as a whig president could not be sustained without an abandonment of the peculiar notions and principles he had formerly professed, as a believer in the Virginia doctrines of a strict construction of the constitution. He had argued and voted in Congress against a protective tariff, against the constitutionality of a national bank, and against the constitutionality of internal improvements by the general government; all leading measures proposed and advocated by the

whig party, in reference to which a near approach to unanimity prevailed among the whigs throughout the nation, in 1840.

That the opposition party considered Mr. Tyler as occupying a mistaken position, while attempting to act with the whig party, is shown by the debates in Congress, and the language of the opposition press. In the debate on the fiscal corporation bill, in the senate, Mr. Buchanan said: "The president had shown himself a man of mettle, and had not been willing to sacrifice all his old Virginia principles, for the sake of a party from which he differed on almost every great and leading point of policy." The Richmond Enquirer, previous to the first bank veto, said: "Mr. Tyler's *principles*, *duties*, *policy*, *interests*, are all with us [the democrats], if he can only see them. But will he see them? We hope and trust he will not throw himself into the arms of the federal whigs."

The general impression of the whigs appears to have been, that Mr. Tyler, in accepting the nomination of the party for vice-president, gave an implied pledge that he would act with the party in carrying out their views and measures. The author of the work before quoted, "Defence of the Whigs, by a Member of the Twenty-seventh Congress," says: "The mass of the whigs, for the most part, knew very little of Mr. Tyler and his opinions; that they cared less—never contemplating the event of his succession: that as he professed to be the friend of their friend, Mr. Clay—was anxious for his nomination—they had no doubt that he was a whig, and would do the duty of a whig, whatever might betide: that as he had been on the whig ticket for the vice-presidency once before, and came to Harrisburg as a member of the whig convention, he thereby proclaimed himself to be a whig, and could, without dishonor, be nothing else; especially that he could not be a secret enemy to the whigs, and harbor an undivulged purpose in his mind to betray them, if ever they should trust him."

"The only point upon which any anxiety for Mr. Tyler's whig principles was supposed to have a foundation, was upon the question of the bank. In the senate of the United States he had made a mitigated opposition to the bank; an opposition consisting of one part scruple and three parts praise. He had spoken there in terms of warm commendation of the bank, and especially of the beneficence of its exchanges. Then again he said: 'If the constitution authorized its creation, no man, with the experience of the past, could well doubt the propriety of a well-regulated and well-guarded bank.' His inaugural address is very significant in reference to the prevailing doubts: 'The public interest demands that if any war has existed between the government and the currency it shall cease. I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium,' &c.

"He had said in private, to several friends, that his opinion on the con-

stitutionality of a bank had undergone a change. Indeed, we infer as much as this from a letter written by him to the Henrico committee during the canvass of 1840. It is clear he could conceive a case in which it might be constitutional. Add to these the expressions contained in the inaugural address, and it is quite apparent that the mind of Mr. Tyler was in a state of transition, at least, on this topic. Nay, that he had absolutely changed, as he told several. The whole whig press throughout the Union, after the inaugural address, proclaimed him as safe upon the bank question; the Madisonian—his peculiar organ—so proclaimed him. Why did he not deny it, and say he was misapprehended?"

The foregoing expresses the views entertained by the whig party generally with regard to the course of Mr. Tyler. On the other hand his confidential friends denied that his conduct was fairly subject to the charge of inconsistency or unfaithfulness to his professions, but that he was actuated only by conscientious motives and a regard for his oft-repeated and unchanged opinions on the bank question. Mr. Rives, in defending the president's first veto, in the senate, said: "There being nothing in the opinions of the fathers and founders of the republican school to induce President Tyler, as a consistent disciple of that school for twenty-five years past, and one who had over and over expressed his conviction of the unconstitutionality of a bank of the United States, to change that opinion, what course but that which he has pursued was left to him when the bill for such a bank was presented for his approval? Who is the individual that by universal consent is recognised as the founder of what the president refers to as 'the republican school?' It is Thomas Jefferson. For however I concur with the senator from Kentucky [Mr. Clay] in paying all homage to the unrivalled virtues and ever-glorious public services of George Washington, I must be permitted to say that he has not generally been considered as belonging to that republican party to which the president alludes."

The president's veto of the fiscal corporation bill, was received with the greatest indignation by the whig party throughout the country. Many regretted that the measure had been urged in Congress after the veto of the first bank bill, but the public disapprobation of the president's conduct was general among those who had been the means of elevating him to the position he now occupied with power and disposition to thwart their wishes.

The first effects of the veto on the whig party were felt at the seat of government. The fiscal corporation bill was returned to Congress on the 9th of September; on Saturday, the 11th, all the members of the cabinet, except Mr. Webster, feeling that all confidence between the president and themselves was gone, resigned. The causes of their resignation were afterward given to the public by Mr. Ewing, secretary of the treasury, Mr. Bell, secretary of war, Mr. Badger, secretary of the navy, and Mr. Crit-

tenden, attorney-general.* Mr. Granger, postmaster-general, did not publish his letter of resignation, but was understood to have concurred with his colleagues, and the advice of his whig friends in Congress, and his resignation followed soon after the other members of the cabinet.

Mr. Webster, having concluded to remain in the cabinet, as secretary of state, addressed a letter, on the 13th of September, to the editors of the National Intelligencer, in which he observed: "Lest any misapprehension should exist as to the reasons which have led me to differ from the course pursued by my late colleagues, I wish to say that I remain, first, because I have seen no sufficient reason for the dissolution of the late cabinet, by the voluntary act of its own members.

"I am perfectly persuaded of the absolute necessity of an institution, under the authority of Congress, to aid revenue and financial operations, and to give the country the blessings of a good currency, and cheap exchanges. Notwithstanding what has passed, I have confidence that the president will co-operate with the legislature in overcoming all difficulties in the attainment of these objects," &c.

In a letter to H. Ketchum, Esq., of New York, dated the 11th of September, Mr. Webster said: "You will have learned that Messrs. Ewing, Bell, Badger, and Crittenden, have resigned their respective offices. Probably Mr. Granger will feel bound to follow the example. This occurrence can hardly cause you the same degree of regret which it has occasioned to me; as they are not only my friends, but persons with whom I had, for some time, a daily official intercourse. I could not partake in this movement.

"It is supposed to be justified, I presume, by the differences which have arisen between the president and Congress, upon the means of establishing a proper fiscal agency, and restoring a sound state of the currency; and collateral matters growing out of these differences. I regret these differences as deeply as any man; but I have not been able to see in what manner the resignation of the cabinet was likely either to remove or mitigate the evils produced by them. On the contrary, my only reliance for a remedy for those evils has been, and is, on the reunion, conciliation, and perseverance of the whole whig party, and I by no means despair of seeing yet accomplished, by these means, all that we desire.

"My particular connexion with the administration, however, is in another department. I think very humbly—none can think more humbly—of the value of the services which I am able to render to the public in that post. But as there is, so far as I know, on all subjects affecting our foreign relations, a concurrence of opinion between the president and myself, and as there is nothing to disturb the harmony of our intercourse, I have not felt it consistent with the duty which I owe to the country, to run the risk, by any sudden or abrupt proceeding, of embarrassing the

* See Niles's Register, vol. lxi.

executive, in regard to subjects, and questions now immediately pending, and which intimately affect the preservation of the peace of the country."

In view of the critical situation of the country at that time, with respect to our relations with Great Britain, particularly on the subject of the northeast boundary question, considerate men of the whig party justified Mr. Webster in his decision to remain in the cabinet, at least until the negotiations then pending were brought to a conclusion. Much difference of opinion prevailed among the whigs as to the policy of the resignation of the other members of the cabinet. It was a current opinion, after the second veto, that the cabinet ought to wait to be turned out. That they should not by a voluntary act abandon their posts. The majority of the cabinet themselves, and many others, thought otherwise. Every sentiment which could move honorable men revolted at the idea of holding a confidential relation where there was no confidence. As regards a portion of the cabinet, the resignation was reluctantly delayed. It was delayed in deference to the advice of those who still hoped that affairs might take some unforeseen turn favorable to harmony. They resigned, however, at last, as they stated, in their own published letters, not because the president differed from them on the question of a bank. They threw up their places because he had forfeited his word, treated them unworthily, and had manifested his hostility to the principles and pledges of the party with whom they were associated, to which he professed to belong, and who had given to him all the consideration and importance incident to his station.*

Feeling deeply the injury which the course of the president had inflicted upon the whig party and their cause, and indignant at the position in which he had placed them, the whig members of Congress held a meeting on the 11th of September, and appointed a committee of three senators and five members of the house, to prepare an address to the people of the United States, with regard to the measures which had been adopted and those which had failed at the extra session, with such other matters as might exhibit the condition and prospects of the whig party. The committee appointed were Messrs. Berrien, of Georgia, Tallmadge, of New York, and Smith, of Indiana, senators; Everett, of Vermont, Mason, of Ohio, Kennedy, of Maryland, John C. Clark, of New York, and Rayner, of North Carolina, on the part of the house. The meeting then adjourned, to meet again on Monday morning.

On Monday, the 13th of September, a few hours previous to the close of the session, as Congress adjourned on that evening, the whig members still remaining at the seat of government—for many had set out for their homes—again assembled, and adopted a manifesto, or address, which was read by Mr. Kennedy, as the report of the committee—of which twenty thousand copies were ordered to be published—by which they

* Kennedy's Defence of the Whigs.

proclaimed to the nation, that from that day forth all political alliance between them and John Tyler was at an end; that from that day "those who brought the president into power could no longer, in any manner or degree, be justly held responsible or blamed for the administration of the executive branch of the government." At the same time acknowledging it to be "the duty of the whigs, in and out of Congress, to give to his official acts and measures fair and full consideration, approving them and co-operating in their support when they could, and differing from and opposing any of them only from a high sense of public duty."

The manifesto was a plain, direct paper, stating the case of the whigs fully to the country. It told what they had done at the extra session; what they had failed to do, and why. It disclosed their observation of the past conduct of Mr. Tyler, and their apprehension of his future course; the withdrawal of his confidence from the whigs, and his affinity with their enemies; and it announced their entire separation from him. It proclaimed the principles upon which the whigs would continue, as in times past, their organization.

This manifesto had the full concurrence and actual participation of from sixty to eighty whig members—being nearly all who were at the seat of government when it was adopted.*

There were many whigs, in and out of Congress, however, who doubted the expediency of adopting the address at that time, and denouncing the president, before further time was given for reflection, and a more full development of his views and intentions. Many hesitated as to the wisdom and propriety of running the risk of throwing the patronage of the general government into the hands of their political opponents, and by driving the president from the whig party, to prevent the probable success of other whig measures during his administration.

It was expected by some that the president would select the members of his new cabinet from the ranks of the democratic party, but he promptly made his appointments of the following distinguished whigs and conservatives, viz: Walter Forward, of Pennsylvania, secretary of the treasury; John M'Lean, of Ohio, secretary of war; Abel P. Upshur, of Virginia, secretary of the navy; Charles A. Wickliffe, of Kentucky, postmaster-general; Hugh S. Legare, of South Carolina, attorney-general. These nominations were all confirmed by the senate, previous to their adjournment. Judge M'Lean declining to resign his seat on the bench of the supreme court, for the office of secretary of war, John C. Spencer, of New York, was appointed to take charge of that department. Thus the new cabinet was organized in a more satisfactory manner to the public than had been anticipated by the whigs; while the hopes of the democrats, which had been raised by the rupture between the president and Congress, were somewhat dampened.

* Kennedy.

The principal acts passed by Congress at the extra session were the following: Authorizing a loan of twelve millions of dollars, for the purpose of supplying the wants of the treasury on account of deficiencies during Mr. Van Buren's administration; appropriating twenty-five thousand dollars, or one year's salary of the president, for the relief of Mrs. Harrison, widow of the late president; making appropriations for a home squadron; repealing the sub-treasury act; providing for the payment of navy pensions; establishing a uniform system of bankruptcy; reviving and extending the charters of banks in the District of Columbia; appropriating the proceeds of the sales of the public lands, and to grant pre-emption rights; making appropriations for various fortifications, for ordnance, and for preventing and suppressing Indian hostilities; providing for placing Greenough's statue of Washington in the rotunda of the capitol; authorizing the transmission of letters and packets free of postage; and an act relating to duties and drawbacks. The last act was intended to provide for the deficiency of revenue caused by the large number of articles admitted free of duty by the tariff law of 1833; on many of those articles a duty of twenty per cent. was now laid. The act providing for the distribution of the proceeds of the public lands among the several states, was passed substantially according to the plan proposed by Mr. Clay, but a clause introduced by certain opponents of a protective tariff, impaired its efficiency, and in the sequel rendered the law inoperative. The clause referred to provided that when the tariff of duties on imports was raised to a rate above twenty per cent. ad valorem, the distribution should be suspended until this cause be removed. Twenty-five acts and five joint resolutions were passed at this extra session.

Among the appointments confirmed by the senate at this session, were the following: Edward Everett, of Massachusetts, minister to Great Britain; William Hunter (then chargé d'affaires), minister to Brazil; William Boulware, of Virginia, chargé d'affaires to Naples.

Considerable excitement prevailed in the United States during this year, in consequence of the arrest and trial at the circuit court in Utica, in the state of New York, of Alexander M'Leod. He had been a deputy sheriff of Niagara district, in Upper Canada, and was charged with having murdered an American named Amos Durfee, on the 29th of December, 1837, at which time an American steamboat, called the Caroline, was destroyed by a party from Canada, at Fort Schlosser, on the American side of the Niagara river. As it was proved that this party acted under British authority, and the British government having claimed M'Leod as a British subject, an attempt was made by the government of the United States to prevent the trial by the state of New York. Governor Seward, of New York, however, refused to give up the prisoner, and the trial proceeded. Happily, M'Leod was acquitted by the jury, and discharged, and thus a very vexed question between the United States government

and a state authority, as to jurisdiction; and thus also was one point of unpleasant altercation between the United States and Great Britain so far settled. The state elections during the summer and fall of 1841, resulted generally unfavorably for the whigs, as might have been expected from the general dissatisfaction felt by that party toward the president, and the renewed spirit and vigor infused thereby into the democratic party. The president and his particular friends considered the result of these elections as a proof that the people approved of his course on the bank question; and after the adjournment of Congress but few of the democratic office-holders were removed by the president.

The second session of the twenty-seventh Congress commenced on the 6th of December, 1841, and continued until the 31st of August, 1842, a period of 269 days, and was the longest congressional session that has ever occurred. During this time, one thousand and ninety-eight reports were made, six hundred and ten bills reported, and two hundred and ninety-nine bills passed, besides about one hundred private bills matured, engrossed, and ready for final passage at the ensuing session, but retained by the house, because the senate were occupied by the treaty and other important subjects. More important business was done by this Congress than by any Congress which ever convened since the formation of the government, although a considerable portion of their time was exhausted in discussing executive vetoes and protests.

The great and leading measure of the session was a new tariff law; by which ample provision was made for the public revenue, and protection afforded to American manufactures and other branches of national industry. This bill was signed by the president, after he had previously returned, with objections, two different tariff bills passed by Congress, the first, the provisional revenue bill, on the 29th of June; the other on the 9th of August, the same bill, in substance, as that which received his signature, except that it contained a clause providing for distributing the proceeds of the public lands. As the president now gave Congress to understand that the distribution clause could not receive his sanction, it was stricken out in the third bill reported in Congress, which, being passed by a close vote in both houses, received the signature of the president, and became a law, by the sacrifice of the land bill passed at the former session, which was thus rendered inoperative. Great indignation was felt and expressed toward the president, by the whigs in Congress, as he had recommended the distribution of the proceeds of the public lands, in his first message.

Among other acts of importance passed at this session, was an act for the apportionment of representatives according to the census of 1840; by which the ratio was fixed at 70,680 for each representative, with one additional member for each state having a fraction greater than one moiety of said ratio. By the same bill, representatives were directed to be cho-

sen by single districts. Acts were also passed extending the loan of 1841, for an addition of five millions of dollars thereto; to authorize the issue of treasury-notes; requiring foreign regulations of commerce to be laid annually before Congress; authorizing the construction of a war-steamer for harbor defence; to provide for the armed occupation and settlement of part of East Florida; to provide for publishing an account of the exploring expedition under the command of Lieutenant Wilkes, of the United States navy; amending the act to promote the progress of the useful arts; to provide further remedial justice in the courts of the United States.

It appeared, at the commencement of the session, that neither of the great political parties, in either branch of Congress, was disposed to sustain the president in his peculiar views and policy. Mr. Rives was the only whig in the senate on whose support he could rely, and in the house of representatives not more than five or six whigs could be considered as the peculiar friends of the executive. It was therefore evident that the president had lost the confidence of both parties, and that any attempt to create a third party in his favor would prove a failure. Numerous adventurers, however, seeking office and political preferment, flattered Mr. Tyler with false hopes, assuring him that the people would sustain him, regardless of parties as then organized.

The subject of a national bank was not again acted on by Congress. The secretary of the treasury, Mr. Forward, at the commencement of the session, in compliance with a resolution of the house of representatives, reported a plan of a fiscal agent, or exchequer, for the management of the government finances. This plan was referred to a select committee in each house, and favorable reports were made thereon, by Mr. Tallmadge of the senate, and Mr. Cushing of the house, each accompanied with a bill to establish an exchequer board connected with the treasury department. Neither of these bills, however, received the favorable consideration of Congress, and the scheme of an exchequer was therefore abandoned.

An important treaty was negotiated in 1842, at Washington, between the United States and Great Britain, by which the northeastern boundary was definitely settled, in a manner satisfactory to the states of Maine and Massachusetts, which were most directly interested therein. Lord Ashburton, who was sent a special minister to the United States for that purpose, acted on the part of Great Britain, and Mr. Webster, secretary of state, on the part of the United States. The treaty was ratified by the senate on the 20th of August, 1842, by a vote of 39 to 9. Besides settling the boundary question, it provided for the final suppression of the African slave-trade, and for the giving up of criminals fugitive from justice, in certain cases.

The third session of the twenty-seventh Congress commenced on the 5th of December, 1842, and continued until the expiration of their term,

on the 3d of March, 1843. A large number of acts were passed, many of which were of a private nature. Of the numerous public acts passed, but few are of interest to the historical reader. Among them may be named—an act regulating the currency of foreign gold and silver coins; to fix the value of certain foreign moneys at the customhouses; to test the practicability of establishing a system of electro-magnetic telegraphs; providing the means of future intercourse between the United States and the government of China: and to repeal the bankrupt act. This latter law was thus permitted to remain in operation but little more than one year, and was repealed by the same Congress which enacted it.

The twenty-eighth Congress commenced their first session on the 4th of December, 1843, and adjourned on the 17th of June, 1844. There was a large democratic majority in the house of representatives, and on the vote for speaker, John W. Jones (democrat), of Virginia, received 128 votes, against 59 for John White, of Kentucky, the late whig speaker. The whig members protested against the right to seats of the members elected from New Hampshire, Georgia, Mississippi, and Missouri, they not having been chosen by districts, in conformity to the act of the last Congress. The house refused to allow the protest to be read, by a vote of ayes 69, noes 124, and the members referred to were admitted to the seats claimed by them.

The whigs retained a majority in the senate, and in consequence of the disagreement between the two branches of Congress, but few acts of general political interest were passed at this session. Among these may be mentioned—an act making appropriations for certain harbors and rivers; for fortifications; for revolutionary and other pensioners; to refund the fine imposed on General Andrew Jackson at New Orleans; and an act to amend the judiciary act of September 24, 1789. A large number of private acts, and laws respecting the territories, with others of a local character, were passed.

In March, 1843, Mr. Forward resigned, as secretary of the treasury, and John C. Spencer was transferred from the war department to that of the treasury. Caleb Cushing, of Massachusetts, was previously nominated by the president for secretary of the treasury, and rejected by the senate.

Mr. Webster resigned the office of secretary of state, in May, 1843, and Hugh S. Legare, attorney-general, was appointed acting secretary of state, but was soon after taken ill, and died, while on a visit to Boston, on the 20th of June, 1843. Mr. Legare was a gentleman of superior talents, and bore an excellent character with all parties. He had been attached to the democratic party, which he left during the administration of Mr. Van Buren, when that president proposed the sub-treasury plan. He afterward acted with the conservatives, and supported the election of Harrison and Tyler, in 1840.

In July, 1843, President Tyler reorganized his cabinet, as follows:—

Abel P. Upshur, of Virginia, secretary of state; John C. Spencer, of New York, secretary of the treasury; James M. Porter, of Pennsylvania, secretary of war; David Henshaw, of Massachusetts, secretary of the navy; Charles A. Wickliffe, of Kentucky, postmaster-general; John Nelson, of Maryland, attorney-general.

Messrs. Porter, Henshaw, and Nelson, were attached to the democratic party; the other members of the cabinet had been known as whigs or conservatives. At the next session of the senate, the nominations of Mr. Porter, as secretary of war, and of Mr. Henshaw, as secretary of the navy, were rejected. Thereupon the president nominated William Wilkins, of Pennsylvania, for secretary of war, and Thomas W. Gilmer, of Virginia, for secretary of the navy; and they were confirmed by the senate, on the 15th of February, 1844.

In consequence of a melancholy catastrophe which occurred on board the United States steamship-of-war Princeton, on the river Potomac, on the 28th of February 1844, by the explosion of one of the large guns of that ship, the secretary of state, Mr. Upshur, and the secretary of war, Mr. Gilmer, lost their lives. On the reception of the president's message announcing this painful occurrence, resolutions of sympathy, of respect, and for the usual mourning, were adopted in each branch of Congress.

For a short period, Mr. Nelson, attorney-general of the United States, discharged the duties of secretary of state, *ad interim*. Commodore Lewis Warrington officiated as secretary of the navy, until the vacancy occasioned by the death of Mr. Gilmer was supplied. The president appointed John C. Calhoun, of South Carolina, secretary of state, and John Y. Mason, of Virginia, secretary of the navy; both of which nominations were promptly confirmed by the senate. Mr. Spencer resigned the office of secretary of the treasury, in May, 1844, and George M. Bibb, of Kentucky, was appointed in his place.

Provision having been made by Congress for a mission to China, Caleb Cushing, of Massachusetts, was appointed commissioner to that empire, by the president, in May, 1843; and during a remarkably short period while he was absent on his mission, the commissioner was enabled to negotiate a valuable treaty with the Chinese government, which treaty was promptly ratified by the president and senate.

A treaty of annexation was concluded between the United States and the republic of Texas, at Washington, April 12, 1844, by Mr. Calhoun, secretary of state, on the part of the United States, and Messrs. Van Zandt and Henderson on the part of Texas. On being submitted to the senate, by the president, it was rejected, on the 8th of June, by a vote of ayes 16, noes 35. Of those who voted in the negative, seven were democrats, viz., Messrs. Fairfield, of Maine, Atherton, of New Hampshire, Niles, of Connecticut, Wright, of New York, Allen and Tappan, of Ohio,

and Benton, of Missouri. Immediately after the rejection of the treaty, Mr. Benton, in open senate, introduced a bill for the annexation of Texas, consent of Mexico to be first obtained.

The president sent a message to the house of representatives, announcing the rejection of the treaty with Texas, with a view of inducing that body to originate some measure by which to accomplish the object which the treaty contemplated. The house referred the message to their committee on foreign relations, but the subject was not definitely acted on until the next session. In the senate, on the 10th of June, Mr. Benton, in a speech of two hours, characterized the Texas project as a fraud upon the people of the country—a base, wicked, miserable presidential intrigue, originating in the most vicious purpose, and, so far, prosecuted for the most knavish conclusions, regardless alike of the character of the country, its treaty obligations, or its peace. He moved to suspend all previous orders, for the purpose of taking up the bill which he had submitted for the annexation of Texas, when Mexico should sanction the measure. The message of President Tyler, appealing from the decision of the senate, in a case in which the constitution makes that body expressly his advisers and the controllers of his course, Mr. Benton considered to be an insult to that body, which merited impeachment. He alluded to his own far-back prophecies and writings, concerning Texas, and made some allusions to Messrs. Walker and Woodbury, "Texas neophytes," who had been so anxious to make great demonstrations of love for Texas. For himself, he entertained no such anxiety, because his sentiments had always been known. It was not with him a question of "now or never;" but Texas then, now, and always.

An effort was made by the most zealous office-holders under the general government, and other persons interested in the success of Mr. Tyler, to create a popularity for the president out of the question of the annexation of Texas; but the attempt to enlist the feelings of the advocates of that measure in favor of the re-election of Mr. Tyler to the presidency, proved a total failure.

It was evident, however, that the Texas question was becoming one of great importance, and that the annexation of that territory to the United States was daily growing in favor with the people of the southern and western states. The democratic party, therefore, in the southern section of the Union, resolved to present the Texas question to the people as a new issue at the approaching presidential election. As a large proportion of the party in the northern states were opposed to the annexation of Texas, there was a prospect of disunion in the democratic ranks.

The national conventions of both the whig and democratic parties were to be held in May, 1844, for the purpose of nominating candidates for president and vice-president. Mr. Clay, of Kentucky, was the whig candidate named for the presidency, by general consent of that party. Mr.

Van Buren appeared to be preferred to any other candidate, by the largest proportion of the democratic party.

In answer to letters and inquiries addressed to them on the Texas question, both Mr. Clay and Mr. Van Buren came out, in the month of April, 1844, with their views on the subject. They were both understood to be unfavorable to the immediate annexation of Texas, particularly without the consent of Mexico. Mr. Clay's letter was generally satisfactory to his political friends; but the course of Mr. Van Buren determined the democrats of the south to prevent his nomination for the presidency, by the convention of that party, if possible, and to seek some other candidate, who was favorable to southern views and feelings on the Texas question.

The whig national convention, for the nomination of president and vice-president, met at Baltimore, on the 1st of May, 1844. Every state in the Union was represented by delegates, and the Hon. Ambrose Spencer, of New York, was chosen president of the convention, assisted by a number of vice-presidents and secretaries. Henry Clay, of Kentucky, was nominated by acclamation, as the candidate to be supported by the whigs, for president of the United States, at the ensuing election; and on the third vote, Theodore Frelinghuysen, formerly of New Jersey, but then a resident of New York, was nominated as the candidate for vice-president. Great unanimity prevailed in the convention after the nominations were announced, and enthusiastic demonstration to support the candidates named.

The democratic national convention of delegates for the nomination of candidates for president and vice-president, met at Baltimore, on the 27th of May, 1844. The states were all represented, except South Carolina. The Hon. Hendrick B. Wright, of Pennsylvania, was chosen president of the convention, assisted by numerous vice-presidents and secretaries. Most of the delegations from the different states had been instructed to vote for Mr. Van Buren for president, but the Texas question had been taken up by the party since those instructions were given, and Mr. Van Buren's letter on the subject had rendered the policy of his nomination doubtful with many who had been anxious for his re-election to the presidency.

On the first ballot by the convention, for a candidate for president, Mr. Van Buren received 146 votes, General Cass 83, Colonel Johnson, of Kentucky, 24, Mr. Calhoun 6, and there were 7 for other persons; thus showing a decided majority in favor of Mr. Van Buren. But the convention having adopted the rule which had governed on former similar occasions, requiring two thirds of the votes for a nomination, no choice was made. Seven subsequent ballots took place, on the last of which Mr. Van Buren received 104 votes, General Cass 114, and 44 for James K. Polk, of Tennessee. The Virginia and New York delegations then each separately retired for consultation, and on their return to the convention it

was announced, by Mr. Roane, of Virginia, that the delegation from that state would give their vote for James K. Polk. Mr. Butler, of New York, responded to Mr. Roane, and having the authority of Mr. Van Buren, withdrew his name, and stated that the delegation from New York would cast thirty-five votes in favor of Mr. Polk, the remaining member voting blank. The call of the states being made for a ninth ballot, a unanimous vote from all the delegations was given for James K. Polk, as the democratic candidate for president of the United States. Silas Wright, of New York, was nominated for vice-president, being then in the United States senate, at Washington. The nomination was declined by Mr. Wright, and on the following morning the convention nominated George M. Dallas, of Pennsylvania, for that station.

The candidates nominated, both for president and vice-president, were understood to be in favor of the annexation of Texas to the United States. Resolutions were adopted by the convention, one of which declared, "that our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; and that the reoccupation of Oregon and the reannexation of Texas, at the earliest practicable period, are great American measures, which this convention recommends to the cordial support of the democracy of the Union." Another resolution declared, "that the convention hold in the highest estimation and regard their illustrious fellow-citizen, Martin Van Buren, of New York," &c., and that they "tender to him, in his honorable retirement, the assurance of the deeply-seated confidence, affection, and respect, of the American democracy."

The nomination of Messrs. Polk and Dallas had the effect of completely uniting the democratic party throughout the country, and the Texas and Oregon questions had a tendency to infuse renewed vigor among the masses attached to the party, enabling them to enter into the election contest with excited hopes and prospects of success.

At the same time when the democratic convention met at Baltimore, a convention of the friends of President Tyler, composed of delegates from various parts of the Union, principally office-holders and political adventurers, assembled at that city, and placed the name of Mr. Tyler in nomination as a candidate for election to the presidency. The president accepted the nomination, but his case as a candidate being hopeless, he yielded, in August, to the solicitations of the friends of Polk and Dallas, who were desirous to have the aid and patronage of the general government in favor of the democratic candidates, and withdrew his name from the presidential canvass. On that occasion Mr. Tyler published an address in the Madisonian, the official paper at Washington, to his friends throughout the Union, announcing his intention and desire to withdraw from the position in which his friends had placed him. He concludes his address by saying: "I appeal from the vituperation of the present day to

the pen of impartial history, in the full confidence that neither my motives nor my acts will bear the interpretation which has, for *sinister purposes*, been placed upon them."

After a most animated and exciting canvass, the presidential election took place, in the fall of 1844, and resulted in the election of the democratic candidates, James K. Polk as president, and George M. Dallas as vice-president, of the United States, over the whig candidates, Clay and Frelinghuysen. The votes of the electoral colleges were, for Polk and Dallas, 170; for Clay and Frelinghuysen, 105. The popular vote was, for Polk, 1,335,834; for Clay, 1,297,033; for Birney, the abolition candidate, 64,653; exclusive of South Carolina, which state gave its electoral vote through the legislature, that body choosing the presidential electors. In the states of New York and Michigan, the democratic electoral ticket received a plurality over the whig vote, less than the amount of abolition votes in those states. In addition to the states which voted for Mr. Van Buren in 1840, giving 60 electoral votes; Mr. Polk received the votes of Maine, 9; New York, 36; Pennsylvania, 26; Georgia, 10; Mississippi, 6; Louisiana, 6; Indiana, 12; and Michigan, 5; which states gave their electoral votes to General Harrison, in 1840.

The second session of the twenty-eighth Congress commenced on the 2d of December, 1844, and closed on the expiration of their term, the 3d of March, 1845. The most important and exciting subject of the session was that of the annexation of Texas. Joint resolutions for annexing that republic to the United States, as one of the states of the Union, passed the house of representatives, on the 25th of January, 1845, by a vote of 120 to 98; and on the 1st of March the same passed the senate, by a vote of 27 to 25; and the same day the resolutions were approved by the president.

Among the public acts of interest passed at this session, were the following: To establish a uniform time for holding elections for electors of president and vice-president, in all the states in the Union; to provide for the establishment of the mail between the United States and foreign countries; granting lands to the state of Indiana, to enable the state to extend and complete the Wabash and Erie canal; to reduce the rates of postage, and to limit the use, and correct the abuse, of the franking privilege; allowing drawback upon foreign merchandise exported by the interior to Mexico and the British North American provinces; for the construction and improvement of roads in Wisconsin; making appropriations for fortifications; and an act for the admission of the states of Iowa and Florida into the Union. Florida complied with the terms of the last act, and was, consequently, admitted into the Union; but the people of Iowa rejected the terms, principally on account of the boundary defined by Congress, and, therefore, Iowa remained a territory.

A bill forbidding the president to build revenue-cutters at his own discretion, which had been vetoed by President Tyler, was again passed by

the senate, and by the house, by more than a two-third vote (in the latter by 126 to 31), and thus became a law, notwithstanding the veto. A bill making appropriations for certain harbors and rivers, passed both houses, near the close of the session, but was retained by the president, and thus failed to become a law, in consequence of what was called a "pocket veto," which was the last act of Mr. Tyler's administration, as a similar act had been that of President Jackson's, in 1837.

Thus ended the administration of John Tyler; of whom it may be said, that he retired without the regret of either of the two great political parties of the country; as by his course he had lost the confidence of that party by which he was elected, without gaining that of their political opponents. Many important matters, however, were accomplished by this administration, the credit of which was bestowed upon others, instead of the president. Thus the protective tariff act of 1842 was accomplished by a whig Congress, although approved by the executive; and the settlement of the northeastern boundary question, by the treaty with Great Britain, was accredited to the energy and skill of the secretary of state, Mr. Webster; while the annexation of Texas was a measure which was mainly pushed to completion through the ability and exertions of another secretary of state, Mr. Calhoun; and any benefits that were derived from it as forming political capital, were seized upon and used by the democratic party, for the purpose of coming into power, by the election of Polk and Dallas. It would be unjust, however, to deny to Mr. Tyler whatever merit is his due from the circumstance of having used every exertion to carry through the Texas measure during his administration. Nor is it to be denied that the foreign relations of the United States were ably managed during his presidential term, and that he generally surrounded himself with able counsellors in his cabinet.